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**TOQUOP ENERGY PROJECT HEARING
February 7, 2008
6:00 PM in Mesquite, Nevada**

Dante Pistone: I'd like to thank you all for coming. This is the public hearing for the Nevada Division of Environmental Protection, to receive public comments on our technical evaluation of Sithe Global's proposed power plant here in Southern Nevada, and before we get started though, I'd like to kind of give you an overview on what we have in mind and how we intend to proceed. And then go through a few ground rules, if we could.

We have a large crowd tonight and we certainly appreciate you all coming out, we'd like to hear as many comments as we can. We know a lot of people have strong feelings on both sides of this issue. We ask that you be civil and be courteous and be respectful to all the speakers, also to the panel members. We're taking time to hear your comments. So we just ask that you be courteous and respectful, and when other people are up speaking, if you happen to disagree with them, we ask you to not do cat calls, or shout them down or...Everybody's entitled to their opinion, we're here to take the opinions and comments and questions. How loud you say them or how dramatically you say them will have no additional bearing on how we deal with the, with your comments in terms with the permit application.

If you haven't done so and would like to speak, we ask you to fill out a blue speaker's card. We're going to take the speaker cards in order, in the order they were received. When you're speaking, we ask that you state your name, and where you're from, who you represent, if anybody, and then to speak to the panel. The meeting is being tape recorded and it's also being televised, as I understand it, so, we will have a complete hearing record that will be on our website within a few days, as soon as we can get a transcript completed. There will be an official hearing record. Again, we ask that we try and avoid duplicate comments, because if it's already been stated, and you're repeating the same comment over and over again, it won't have any additional weight compared to the first one. We ask that you please address the panel. You can also, if you don't get a chance to speak, you can submit your comments in writing. And at this point that's kind of the ground rules. We'd like to get out of here by 9:00 pm if at all possible. So we've got, we've got probably maybe fifty, sixty cards, so that's three hours right there. If we stick to the three minute time limit, there's a light here that's gonna kind of signal your three minute time, if you go a little bit over we're not gonna cut you off. You know, it's a

public comment, public hearing, so we want to hear your comments, we're not here to cut anybody off.

We want to answer all your questions. At the same time, we'd like to stay focused on the subject. And the central question that NDEP had to deal with here is, do the expected emissions from this power plant meet all current state and federal air quality rules, regulations and standards? That is the question that we have to deal with, okay, so that being said let me introduce my colleagues here.

To my right is Greg Remer, he's the Bureau Chief for our Bureau of Air Pollution Control. To my left is Rod Moore, he's Permitting Engineer that worked on this project. To my next right over here is Vickie Gatrell, she's Management Analyst for NDEP and to the far right is Matt DeBurle, he's Permitting Supervisor for NDEP on this project. So these are the scientists and engineers who have worked on our technical evaluation and come up with what we think is very thorough, very comprehensive look at this permit application, and so what we're gonna do first is, I'm gonna do a little framing of the process, the issue, that we went through, the process that we went through. And then I'll introduce Rod, and Rod will make our presentation as to what our technical evaluation came up with and then we will...

(question from the audience)

Oh I'm sorry, Dante Pistone is my name. I'm Public Information Officer for NDEP, and I'm going to facilitate the meeting and also I am the media contact for NDEP, so any media out there that would like a comment from our agency, I'm here. I meant to do that first, thank you. So anyway, without further ado, let me just say, what one thing I want to say is, what we don't want this hearing to become. We don't want it to become a town meeting to debate the issues of whether who likes and who doesn't like this power plant. We don't want it to be a forum to debate coal fired powered plants in general. We're just talking about this plant in a specific location, and the emissions that it's going to have, and the standards that apply to that plant, and we don't want it to be a debate about global warming.

We're not going to solve global warming tonight. There are no state or federal regulations currently in place that govern global warming, so it didn't enter into our technical evaluation. When and if there are regulations, then every plant and operation in Nevada will have to comply with those regulations. But at this point there are none so it didn't enter into our evaluation, so please, I mean if, we know everyone, a lot of people are concerned about global warming, but it really is not part of this technical evaluation.

Let me ask you a question to get started. It's a pop quiz actually. Remember when you used to go into school and the teacher would say, 'close your book and get out a piece of paper and pencil there's going to be a pop quiz', well, this is my pop quiz for you. By a show of hands out there, how many people know how clean air laws, regulations and standards are set and how they apply to this project? Show of hands? Who would like to come up and explain it? No, I'm just kidding. For those who don't know, let me outline it

for you just a little bit and explain what NDEP's role in that process is. The law of the land, am I too loud? No, okay. The law of the land that governs air quality across the nation is the Clean Air Act. The first one was passed in 1970, it was amended in 1977 and really put teeth in the law at that point, and it was amended again in 1990.

Congress passed that law and the president signed it, and what that law does is, it instructs the U.S. Environmental Protection Agency to look at all of what are called criteria pollutants, and those are all of the main pollutants that might be emitted into the air by various operations and automobiles, whatever the source might be. And EPA has to review all of those pollutants and then they have to set standards for each of those pollutants, above which no source can exceed.

Okay, and the standard is basically, it's the top level, it's the ceiling, and so EPA has the resource and the staff to do the research, do the scientific evaluations set these standards for all of the pollutants that are currently on the books. And then EPA delegates the authority to enforce those standards, and to permit operations and to implement the standards, to the states. They delegate to each state and each state has an agency like NDEP that implements and enforces those standards.

Okay, so when a power plant, like this, wants to site an operation in Nevada, they have to come to us and they have to prove to us that their operation meets all current state and federal air quality standards. We don't take their word for it though. We do an independent evaluation. We use nationally recognized protocols set forth by the Environmental Protection Agency. It's not a rubber stamp of their modeling, we do independent modeling, and we also test their modeling to ensure that what they're telling us is actually what's going to happen. Okay, we, our scientists and engineers have conducted a thorough scientific and engineering review of Sithe's application, and we have issued a draft permit for the construction of the plant from an environmental standpoint.

They have a lot of other hurdles to, hoops to jump through, but from an environmental standpoint we've issued a draft permit. But that's not the end of it, that's just kind of the beginning of the process. Once that draft permit is issued, there's usually a 30 day public comment period. And that permit is distributed far and wide to all of our various environmental groups in the state of Nevada, other interested parties, public officials, and then we take those comments, in this case we extended the comment period an additional 30 days because there's been a lot of interest from a lot of different public entities. And then at the end of that comment period, we traditionally hold a public hearing in the affected area. And that's what we're here to do tonight.

And again, the public comment, public hearing, is to hear your comments about our evaluation. We want to know, we want to see your science, show us your science that may disprove something that we've said in the draft permit. We want to know if we missed something. If in fact there's something that we should take into account that we haven't. We're going to hear all of your comments even if they stray from that focus. We're going to hear everybody's comments, 'cause it's a public hearing, and you have,

you certainly have a right to express your opinion. The comments that are off the mark in terms of what the focus of our permitting process is, I got to tell you, won't have as much weight as those that actually have some scientific value for us, because again, our sole job is to determine whether this plant meets all of the current state and federal standards. So with that, I'm going to, let's see if I've missed anything here, did I miss anything?

With that I'm going to turn it over to Rod Moore. He is the engineering permit writer for this project and he's going to go through the finding of our technical evaluation and then we will open it up for your comments and questions with these blue cards that you've submitted, so take it away Rod.

Rod Moore: Thank you Dante, again my name is Rod Moore; I was tasked with being the permit writer for this Toquop Power Project. About a year or so ago, probably Monday after Super Bowl, we sat inside a staff meeting here at air quality, and I was nodding asleep, seems like at many of the staff meetings, and someone said, 'who wants to,' I thought I heard them say 'who wants to visit a power plant'? So I raised my hand, and I turned out to be, I'm the one who's the permit writer for the power plant. So that's the way it works, and it's been a long year, lot of learning process involved, so without further ado, here we go. (Pause, technical difficulties) Well there we went. (pause) And that's me again.

Alright, tonight we're going to deal with the proposed location, the project itself, the emissions from the project, the modeling and environmental evaluation that we undertook. We're going to look at applicable standards, the permit itself, then we're going to receive comments. Again this is a technical support document, of the draft permit; it's not the permit itself. I'm not going to bore you with science details; I'm going to give you a brief overdraft of what we've found in review of this permit process.

Alright, let's talk about the location; about 14 miles northwest of this great little city, and it's my first time being here and I'm very pleased to be here, it's a nice town. It's going to remain being a nice town. We're looking at about 640 acres in the Virgin River Valley in Lincoln County.

Okay, the plant itself. We have one 750 megawatt nominal super critical PC boiler, running at 8,760 hours per year. The boiler itself is equipped with low NOx burners, selective catalytic reduction, activated carbon injection system, wet scrubber and fabric filters. The primary fuel supply is Powder River Basin Coal. Besides the boiler we have coal unloading, handling and storage systems, two auxiliary boilers and other miscellaneous air sources, such as lime systems, fuel storage, roads, etcetera.

Now we're going to talk about a federal program called, Prevention of Significant Deterioration, PSD. Basically it's a program established by the Clean Air Act to prevent an area from becoming a non attainment area through proper air resource management. Along with provisions of PSD, we're going to apply best available control technology to this power plant itself. And that by definition determines the most effective controls. And then we look into an air quality analysis, in two parts. We look at ambient air analysis,

and PSD increment analysis. Basically PSD is a program whose goal is to keep clean areas clean.

Okay I know this slide is a little busy, let me go through it a little bit here. These are the potential to emit emissions, and BACT limits. So you see for PM, Particulate Matter, we're looking at 323 tons per year. Now the BACT emission limit in pounds per million BTU heat input rate is 0.01 and the BACT controlled technology is a fabric filter. PM10 is similar. SO2, we're looking at a wet scrubber, which gives a very low BACT emission limit of 0.06. CO, we're looking at best combustion controls, 0.1 for BACT, NOx, we've got low NOx burner, over fired air, and selective catalytic reduction for a BACT emission limit of 0.06. Now these limits are at BACT, existing, or below. Very clean power plant.

We've got VOC's...

(Public murmur)

Dante Pistone: Please save your comments for the comment cards, thank you. If we can't keep order, we'll shut this thing down.

Audience: What is BACT?

Rod Moore: Best Available Control Technology.

Dante Pistone: Please be courteous, thank you.

Rod Moore: Is there any other questions on this slide? One or two?

Audience: What about mercury?

Rod Moore: Mercury is not a PSD pollutant.

Dante Pistone: What we'd like to do is to save the comments and questions until this presentation is completed. If you have a question or comment, fill out a blue card and then we'll hear it, otherwise we're going to be here 2 hours answering questions and then not be able to get to the comments.

Audience: Can you bring the charts back?

Dante Pistone: Yes, we can bring the charts back, yes. Give us time please, the presentation will address that.

Audience: How long will this presentation be?

Dante Pistone: Our part of it will be through in 10 minutes.

Rod Moore: Let's go on to the next slide. We are looking at an air quality evaluation, basically the modeling of the pollutants existing in the permit. It involves two or three cases for evaluation. We've got the Nevada Ambient Air Quality Standards or NAAQS. We're also looking at Class 2 areas for PSD Increment standards evaluation, and Class 1 areas, National Parks, wilderness areas for related values. The analysis uses current EPA approved methods and models. Here is a receptor grid, of the hydrographic basins that Toquop put together for the proposed power plant. And the range you see at the bottom of the slide, they're in kilometers, extends over quite a few miles of area and encompasses two or three surrounding hydrographic basins. It covered a lot of territory here.

Okay, GEP stack height, which is the height of the exit stack. That's Good Engineering Practices. It's the maximum height allowed to be considered in the air quality modeling, and it's the height at which nearby structures are considered to not influence the plume. The GEP stack height requirement is found in state and federal regs. For Toquop, it is 733 feet in height. This height is driven by evaluating the buildings and structures near the stack. The stack was modeled on a design height of 730, very close to GEP. A model can use the stack heights less than GEP, but can not exceed GEP stack height.

Alright, these are our NAAQS modeling results. We have our pollutant, our averaging period, our cumulative highest model concentration, in micrograms per cubic meters. We also did a background concentration analysis. We have a total concentration column, compared that to the NAAQS standards, percent of the NAAQS standards, and the radius of one microgram cubic meter concentration, in miles. Again, NAAQS is National Air Ambient Air Quality Standards. The total concentration includes background; monitored background at the proposed location.

The analysis shows compliance with all ambient air quality standards. Again this receptor grid shows the max concentrations surrounding the Toquop facility.

For annual SO₂, we're looking at 0.31 μm^3 (microgram per cubic meter), about 3 miles West of the facility. For 24 hours SO₂, we're looking at 6.8 μm^3 , that's at the fence line at the proposed location. 3 hour SO₂, 51 μm^3 , again at the fence line.

Lead, we looked at the standards for lead as well. We're looking at 0.012 modeling analysis result, three miles West of the facility.

Annual PM₁₀ and 24 hour PM₁₀, 4.5 and 23.6 μm^3 at the fence line. Annual SO₂, or rather, annual NO_x/NO₂, 6.7 μm^3 , at the fence line. Adjacent Nevada basins were also included here and there's no impact involved from the Toquop facility at adjacent basins.

We've looked at PM, years back it was called TSP, then we went to PM₁₀ and federal regs are going to be implementing even more stringent standards for PM, that's called PM_{2.5}, Particulate Matter 2.5. Guidance for implementation has not yet been made available to the state; therefore the PM₁₀ standard in Nevada is being relied upon as an appropriate surrogate for PM_{2.5}. This is being done in accordance with current EPA

policy and guidance. Okay, for a Class 2 area analysis, which basically means, all areas besides National Parks and wildernesses, the PSD increment standards are more stringent than our NAAQS. All Toquop sources were modeled, and then the Toquop sources were added to all other sources within a certain evaluation area to determine compliance for that area. There are only increment standards for PM10, NO2 and SO2.

Here's a summary of our Class 2 area PSD increment results. NO2: averaging period is annual, cumulative PSD is $6.9 \mu/m^3$. The PSD increment for NO2 is 25, and so this is well below the standard. SO2: two averaging periods, 3 hour and 24 hour. 56.5 for the 3 hour, 7 for the 24 hour, you see, compared to the PSD increment standards, again, the percentage is very low. PM10, and as a surrogate for 2.5 as well, you got 36.8 which brings a flag up because what does the increment say?. It's 30. Well that definitely threw a flag in my works. Upon further analysis, we contacted Clark County. They have a minor source in Clark County that modeled out to almost $30 \mu/m^3$. Toquop itself modeled out and cumulative, rather than this minor source, modeled out at 19.6 well below 30. And remember, this 36.8 concentration was found in one receptor only, and Toquop's contribution to that receptor was $0.26 \mu/m^3$. So it's a little misleading, but they passed.

This map here shows distances to a concentration of $1 \mu/m^3$. Anything less than $1 \mu/m^3$ is deemed insignificant, we no longer look at that. So for SO2, after 17.5 miles due West, the concentrations were below 1 microgram per cubic meter, 17 miles West of the facility it dropped to less than one. We also show the distance to the closest non attainment area in Clark County, that's for ozone, and at 26 miles from the facility it dropped to less than 1, so this represents the greatest distance for any polluted impact from the Toquop facility.

We also undertook a Class 1 area analysis. Class 1 areas within the 300 kilometer radius of Toquop, include Sycamore Canyon, Zion, Grand Canyon, Bryce Canyon, and Capitol Reef National Park. The PSD Class 1 increment analysis resulted in all concentrations being below the PSD increment level. We also had a visibility impact analysis. This project does not have a significant regional haze impact, and assumed after that finding that no further modeling is required.

So that NDEP reviews state and federal regs and all requirements for project applicability. All applicable regs are written into the air quality operating permit as conditions that must be met. These include from the state of Nevada, Nevada law and regulation, applicable implementation plan; for federal, we've got the Code of Federal Regulations, CFR, which include NSPS-New Source Performance Standards, PSD-Prevention of Significant Deterioration, NESHAPS-National Emission Standards for Hazardous Air Pollutants, CAMR-Clean Air Mercury Rule, etcetera.

Let's talk a little bit about mercury. It is not a PSD pollutant. The federal standard using Powder River Basin coal is about 0.3 ton per year. Nevada has taken a more stringent limitation on mercury here, below the federal standards. Toquop will be held to 0.06 ton per year mercury. This qualifies as a low emitting unit under Nevada's current clean air mercury program.

Okay, for the Operating Permit to Construct. It allows the construction and initial operation of a new facility. The permit itself includes control technology, emission limits, all operation limitations, stack testing requirements and monitoring and record keeping requirements. This ensures the agency puts in all requirements and ensures compliance. We have CEMS-Continuous Emission Monitoring Systems, for the following pollutants: NO_x, SO₂, CO, Mercury, and Opacity. We have bag leak detectors on PM controls; we have annual stack testing for PM₁₀, NO_x, SO₂, CO, Mercury and VOC. And of course we've got routine, unannounced onsite inspections by our staff, to ensure compliance.

Let's discuss carbon dioxide, a green house gas, a minute. NDEP recognizes that CO₂ is a concern. We're actively engaged in the issue both at a regional and national level. At this time, CO₂ is not a regulated air pollutant. There's recent Supreme Court cases involving this. A Governor's task force was put in place and there's going to be further congressional EPA action. If a new standard is set, a similar review of the project and public process will be required.

And in conclusion, based on the information provided, and analyzed upon our review, the proposed TEP project will meet all applicable state and federal regs. So what happens next? Tonight we receive comments from public and we will receive written comments through February 22nd. We will evaluate all comments, will take final action on the application based on comments and the permit itself will go through an appeal process. Here's our website address and our individual email accounts to get hold of us. And at this time, this concludes our TEP presentation.

Dante Pistone: This presentation will be available on our website on Monday and you can, it's available for review in detail, in addition to the draft permit. All of the notices, all of the background documentation for our evaluation is on our website, www.ndep.nv.gov. It's a very open process we go through. We understand that some people may have disagreement with our findings, again, we ask you to show us your science. We've gone through an extensive scientific and technical evaluation and if you can disprove what we've found, we will certainly take a look at it. We will now have the speaker cards read and invited up in order that they were received and Vickie will call those. We ask you again to state your name and who you're with and then try to keep your comments to three minutes or less if you can. We will hear everybody's comments and questions even if we have to stay here till midnight. We will answer all of your questions and respond formally to all comments, that you will receive, you know, we will address comments formally and you will, those of you that comment, will receive a response to those comments. Vickie if you want to go ahead and call the first person.

Vickie Gatrell: Okay, the first speaker is Mayor Holecheck, and will be followed by Commissioner Woodbury.

Susan Holecheck: Good evening to all of you ladies and gentlemen. I, Susan M. Holecheck, as mayor of Mesquite, stand before you to voice our opposition to the proposed Class 1 Air quality operating permit for the Toquop coal fired power plant. We

would ask you to consider the following information; we already have a coal fire plant, only 30 minutes away. The Reid Gardner plant located in Glendale, Nevada is known to be the second dirtiest coal fired plant in the United States and according to EPA is one the top emitters of dioxin in Region 9 in the United States.

As you know, mercury is emitted from power plant stacks and is carried by winds through the air and eventually is deposited to water and land. Mercury can travel great distances depending on the form in which it is emitted, the height at which it is released and the atmospheric conditions. According to information published by the EPA, approximately 75 tons of mercury is found in the coal fire, in the coal delivered to power plants each year and about two thirds of this mercury is emitted into the air. The EPA's fact sheet, published in December of 2000, indicated that data confirmed that coal fired power plants are the largest source of human caused mercury emissions in the United States; about 43 tons of mercury each year.

Particulate matter from coal combustion has long been known to harm the respiratory system. Burning coals is responsible for some 554,000 asthma attacks, 16,200 cases of chronic bronchitis and 38,200 non fatal heart attacks each year. Recent research has also shown that small airborne particulate matter can cross from the lungs into the blood stream leading to cardiac disease, heart attacks, strokes, and pre-mature death.

Atmospheric power plant pollution in the United States racks up an estimated annual health care bill of over 160 million dollars. According to a UNR school of journalism 2007 report, Nevada currently has 3 operating coal fired power plants. Together in 2000, they emitted 20,289,092 tons of air emissions.

In 2005, the Mohave Generating plant was closed after 34 years of operation because so much airborne toxic emission was produced. It impaired the air quality and visibility of the Grand Canyon. We may say coal is cheaper and better for the economy but have we factored in the health cost to our people? We have to ask ourselves why have eight states taken a stand against coal fired plants?.

We believe the Nevada Division of Environmental Protection, we believe the Nevada Division of Environmental Protection has the legal authority to deny an air permit for the Toquop coal plant. The emissions from the Toquop coal plant will harm the city of Mesquite and its residents. Therefore, as the Mayor of Mesquite and speaking on behalf of the Mesquite city council, and residents of Mesquite, I respectfully request the Nevada Division of Environmental Protection deny the air permit for the Toquop coal fire plant..

Dante Pistone: Thank you mayor.

Bruce Woodbury: Good evening, thank you for this opportunity. I didn't expect a standing ovation but, that wasn't for us I guess. My name is Bruce Woodbury. I am Clark County Commissioner, and with your permission, I have with me, Commissioner Tom Collins, and Assemblymen Joseph Hardy. Commissioner Collins and I both represent the people of the Mesquite and Bunkerville over a number of years.

We're very concerned about this proposal. I sent a letter to Mr. Moore dated February 1st, I'd like to, if I could, quickly read portions of it and summarize other portions of it. Our concerns are based upon the evaluation from the Clark County Department of Air Quality and Environmental Management, which is the air quality planning and control agency for all of Clark County. The first concern, pretty much what Mayor Holecheck has indicated to you; the air impacts from this plant, in the form a particulate matter and haze, would negatively impact the citizens down wind from the facility, which will include Mesquite and Bunkerville in the surrounding area. People look to recreate and to relocate to Mesquite based on the high quality of life that can be found here. Pollution from a coal fired plant just 12 miles away will have to have a deleterious effect. Whether or not federal standards are violated, significant qualities and quantities of potentially hazardous materials will be added to the air shed, not the least at which are mercury and other heavy metals which can bio accumulate and pose long term concerns.

Now the second air quality concern is that significant quantities of carbon will be released into the atmosphere from this plant. At a minimum, we believe that the plant should not move forward until a workable plan is put in place to sequester the majority of the carbon emissions from it. Third and this may seem at first an inconsequential matter, but could have very serious implications in terms of federal government intervention. The plant site and the associated infrastructure such as the rail line pose potential impacts and threats to plant and animal species of concern in the area. The area's important habitat for desert tortoise and impacts on the ability of species to recover, in effect, all activities within the range.

Perhaps of great consequence is the recent discovery of the Las Vegas Buckwheat adjacent to the Toquop wash in Lincoln County. Now occurrences of this plant are less than one kilometer from the proposed plant. On December 6th of 2007, just a couple of months ago, U.S. Fish and Wildlife published notice in the Federal Register that they found that the threats to this Buckwheat significant and are enough to list it as a candidate species under the endangered species act.

So in addition to the direct threat posed from the physical disturbance of this site, there's concern about the nitrogen deposition to the soil from smoke stack emissions. Brooks and Pike reported in the 2001 paper on invasive plants in fire and desert environments, that invasive and non native grasses increase in density with increased soil nitrogen. This has the subsequent effect of potentially increasing the wildfire frequency and intensity, and thus threatening the continued existence of this threatened species. And again we will risk intervention from the federal Fish and Wildlife as a possible consequence. There's one effect of consequence that I also mention in the letter. I won't get into it because you're focusing on air quality, but there are potential significant impacts upon water, quantity and quality in the shed ground water basin, where recently the BLM sold over 13,000 acres to private interests, all of which will have to share in this ground water. And adverse effects on pumping from this area with this water needs of this plant, could have effects upon permits that are claimed by the Virgin Valley Water District.

And so for all of those reasons we ask you to give very serious concerns and considerations to these concerns. They're echoed by many, many people in Clark County. And of course here in the Virgin Valley area we're concerned about what would be considered to be an ill advised project, thank you.

Dante Pistone: Thank you, commissioner.

Tom Collins: My name is Tom Collins, also a County Commissioner in Clark County, who, as Bruce has described, we represent this area and formerly I was a member of the Nevada State Legislature for 5 terms and I would like to concur with the comments that Commissioner Woodbury made, as well as adding that I've run cows out on the Toquop desert.

I've been out there. I know that we've brought water from long distance there to, for having enough water for the livestock because of the lack right there. I also know when we had an energy problem a few years ago in this state that we expedited ways to bring in a power plant that was going to be a dry or air cooled gas plant. That was, what was intended, versus the change to a wet cooling.

And now a coal fire plant, which the main issue there is that it would use more water resources than are probably available there., There's been fires out there the last couple of years that we don't want to magnify, that as Commissioner Woodbury said.

I'd also add a couple other things. I think the information that was used to deny the Thousand Springs plants in Elko, because of the air pollution that would go into Utah as well as Nevada and these other things, as mentioned, these heavy metals and materials including mercury would be a reason to deny this. I also would add, back in the early 1990's, '92, '93, I believe, roughly maybe 1994 as well, was the Grand Canyon Tourism Commission studies that studied power plants in 17 western states and their impact on the Grand Canyon and other parks, including the circle of parks and national recreation area in Utah; air pollution and the problems that it caused and created. This would be a significant amount of information that I think would also tend to help disqualify this proposed coal fired plant in the Toquop area.

I would add finally that there is other ways to provide power that the, out of attainment site that you showed in your plan, I believe is the Reid Gardner Generating station that is already permitted. Since it's already non attainment, that would probably be a place to put more efficient power plants, since it's already permitted for coal, that they can be cleaned up. There's already an application there that they're expanding their properties to move out of the river and up on to the top of the mesa, there with the BLM. There's cost for cost I believe, that our efforts to going to renewable energies, as well as using that existing permitted site, without creating a new one, would be much more practical and efficient and cost saving for not only the taxpayers but the ratepayers that would be buying the electricity wholesale or retail, thank you.

Dante Pistone: Thank you commissioner.

Joe Hardy: Thank you I'm Joe Hardy, State Assemblyman, and I represent this district and feel it a privilege to be here. Not only a privilege to be here, but I'm very grateful that you are here, and I appreciate you coming down as obviously it would take a few buses to get anywhere else for this group of people, so I do appreciate you coming here.

In my prior life I was a City Councilman in Boulder City and sat on the health district when we were in charge of air quality in Clark County, and one of the things that impressed me in my service was, the environmental impact study concept usually included the people.

So we talk about science, and I'm family physician so I like to call myself a scientist. Some may debate that. One of the things that has impressed me with the political process is there's a thing called political science and social science, and what your witnessing, what your witnessing tonight, is what we call political science. This is reality in the political world of political science and I'm not sure you're ever going to see a better example of that.

But on the concept of perception; if you look at political science and the concept of perception as councilman, or as commissioners have alluded to, we look at a coal plant that was started out originally as a gas fired plant. You did not see the opposition come to this extent because I don't think people are against power. I don't think people are against a natural gas plant. When we did the air quality studies and looked at gas powered plants in El Dorado Valley and Boulder City for instance, we recognized that the newer gas powered plants had a much cleaner aspect to their emissions than the older gas powered plants even in Clark County. So we were on a scale of about four percent of what the older plants in Clark County were right there in the Las Vegas hydrographic basin.

And so I made the comment, when we were talking about putting a new plant in El Dorado Valley, that if we did have a generating plant that had lower NOx and lower emissions like PM10, that we would allow our air shed in the hydrographic basin in Boulder City to go over to Las Vegas and thus we would clean up their air. They didn't like it either.

And so what happens is that even if you have that one place with that one monitoring station that has 36 as it were, because it's additive to something else, even though the something else is less than that, it still doesn't diminish the total number of tons. That's the education they gave me.

So when I look at the new gas powered plants, and one of the slides that I didn't see that you probably have somewhere, is the comparison between a newer gas, natural gas technology plant versus the newer coal technology plants, and obviously the newer coal technology plants are still going to be greater in emissions than the newer gas emitting plants or using natural gas.

So I would appreciate looking at that kind of concept or helping educate us, and I'm concerned that, you know, one of the things that we do with science is we look at the market, and when we consider that Nevada is currently considering at least three coal powered plants. And recognizing that there has to be a market for those to be built, I suspect that the market will not support 3 more coal powered plants.

And so in the political science of it all, I've always found that if somebody wants something you probably should give it to them, and if somebody doesn't want something you probably shouldn't give to them, and when you have a choice to build one here or where someone wants one that would be the place to build it where they want it, and not here where they don't, thank you.

Dante Pistone: Thank you, all three gentlemen. Just couple of observations, excellent points, NDEP however is limited to evaluating the permit before us. We can't look at, I mean, if another company came with an alternate power plant or if the applicant decided to change their plant to gas, then we would look at that, but the, it's, I'm just trying to provide information.

Audience: So are we

Dante Pistone: And we're listening. I'm just trying to tell you what the position that NDEP is in, we can only evaluate the permit that is before us. That's all. The public service commission and the applicants are the ones that decide on siting and on the type of fuel used. We only evaluate the air quality. We don't, we can't look, we don't look at the water, we don't look at the endangered species. Those are other agencies, and they have to pass all of those too. Our task is to look at this particular permit, and ensure that it meets all of the existing state and federal standards. That's simply, as simply as I can state it. We recognize that a lot of people oppose this plant. We have to look at the science. We have to look at how it compares with the existing standards. If you don't like the standards, there are ways to change the standards. You have to go to congress. You have to go to the EPA. There are ways to make the standards more stringent, and you know, I'm not saying it's easy, but EPA has spent years and years and years setting these standards based on human health and protecting human health and the environment.

Audience: (unclear)

Dante Pistone: Well you can laugh, but that's the law, if you don't like the law you need to change it, and you're the ones that can change it. We don't set the law ma'am, we're just, we're just, eval...

Audience: (unclear) shut up...,

Dante Pistone: Okay, I've said enough then, call the next name.

Vickie Gatrell: The next speaker is Rhonda Hornbeck, followed by Tommy Rowe.

Rhonda Hornbeck: My name is Rhonda, which one am I talking into? This one? My name is Rhonda Hornbeck. I am chair for the Lincoln County Commission, and I want to thank you for allowing us the opportunity to come and speak. Is that better?

Okay, I know this is a very passionate issue and I respect the fact that you've allowed us the opportunity, each and everyone of us, to come in and state our opinion.

I want to give you just a little bit of background; the Toquop Energy Plant will be constructed with the most advanced proven technology for a large scale coal fired powered plant. This technology is more advanced than what the U.S.A., U.S. EPA required technology is, and that's the best practice available control technology. Further, Toquop has signed an agreement with the Nevada Department of Environmental Protection that commits Toquop to add carbon capture technology to the plant when the technology has been proven both technical and economical.

The project's hybrid dry cooling system will reduce water consumption by 80 percent compared to the typical coal plant. The use of the water will be 2,500 acre feet. There will be zero discharge, that means that no water will be discharged from the project. The project has committed to use municipal waste from the Toquop Township as it becomes available. The technology proposed for Toquop is approximately 25 percent more efficient than the typical old coal plant in the U.S., meaning, that it will use 25 percent less fuel and emit 25 percent less CO₂. Toquop will be able to provide jobs and economic opportunities for the residents for Mesquite and Lincoln County and this project will be a major model for future coal plants setting new standards.

Audience: (unclear)

Dante Pistone: Please be, please be courteous, as you would like everyone to be courteous when you speak, thank you.

Rhonda Hornbeck: It will use every major proven technology to significantly reduce air emissions as well as highly efficient boilers that will even reduce carbon dioxide. Again, I realize this is a very personal and there are a lot of feelings in every direction, but the one thing we all need to realize is that each and every one of us need electricity.

We all have to work together. We need to bring to the table both renewables and non-renewables in order to meet the growing and rapid demand of power that we have in this area. It's not just for Lincoln County, it's not just for Mesquite, it's not just for Southern Utah. Each and every one of us with the growth that we have in our communities and surrounding areas still have a very dire need for electricity and we have to find a way to make this happen. Toquop will provide a needed safeguard that will help us keep the lights and air conditions on for each and every one of us. I thank you for the opportunity to speak, and I thank you for your time.

Dante Pistone: Thank you, next.

Vickie Gatrell: The next speaker is Tommy Rowe, who will be followed by Randy Robison. If I get your names wrong, I apologize.

Tommy Rowe: My name is Tommy Rowe. I'm member of the Lincoln County Commission, and I am here today to speak for the Toquop Energy project. As Assemblyman Hardy stated, 'to put this where somebody wants it,' which is in Lincoln County, and Lincoln County wants it,

Audience: Can't hear you.

Tommy Rowe: And Lincoln County wants this.

About eight years ago Lincoln County was, was close to bankruptcy. The government, we were able to lay off county people, cut forces, and maintain a balance budget. Our neighbors to the north weren't able to do this. White Pine? They're being operated by the state at this time. This power plant would increase the tax base in Lincoln County by 15 times, which would be very essential and helpful to the economy of Lincoln County.

A few years ago we had the Lincoln County land act and recreation bill, out of congress, that gave us some land to sell and to put all our tax bases. Out of the 10,500 square miles that Lincoln County has in it's borders, there's only 250 including this land act that is on private land. The rest of it is all governed by mostly the Bureau of Land Management. They have taken a large amount of this 768,294 acres and put it into wilderness. They've taken all of the mountain tops in Lincoln County. All of the roads were in these mountains, very few of them have been cherry stemmed so we can use them.

And now we don't want to be denied the chance to being able to have a tax base that will make us stay vital and keep in operation. I thank you for this opportunity to address you tonight. I'm glad there's so much interest in Lincoln County. Usually we don't see this much interest unless it's deer season or they're trying to take our water, anyway, thank you.

Dante Pistone: Thank you just a reminder, we, we can't take into account economic impact or any other impacts aside from air quality, next.

Vickie Gatrell: The next speaker is Randy Robison, followed by Linda Faas.

Randy Robison: Thank you very much; I apologize for my hand writing its, my name is Randy Robison. I'm actually a government affairs consultant for the City of Mesquite. But tonight, I'm appearing on behalf of, and at the request of, Nevada State Senator Warren Hardy who represents the Mesquite area. He has submitted a letter that he's asked me to read, if that's appropriate.

Dante Pistone: You may do so or submit it for the written record. It has the same exact weight as verbal comments, but you're welcome to read the letter if you like, as long as it's not too long.

Randy Robison: I'll just focus on some relevant parts. It's addressed to Mr. Drozdoff, at NDEP. Quoting from Senator Hardy, "As you know, the prospect of a power plant at that location has been discussed for many years and today I must restate the concerns I've consistently expressed about such a project at that location. My concerns relate primarily to the negative impact it could have on Mesquite's current water supply. The water basin, the project proposes to use, is of significant interest to the Virgin Valley, in that it is adjacent to the basin for which Mesquite currently draws its water supply.

"The Mesquite basin is considered by the State Engineer to be fully appropriated. However, it is scientifically clear that the basin from which the Toquop plant proposes to draw water is a flow through basin with the Mesquite basin and withdrawing water from it will certainly have a negative impact on Mesquite's closed basin.

"This potential impact must be a primary concern of the division when you review the totality of the environmental impact of the plant and I respectfully request that you give it the attention it wants." I'll close quote there and submit this for the record, thank you.

Dante Pistone: Thank you. Water resources are, they purview of the State Division of Water Resources, again we're only dealing with air pollution control here.

Vickie Gatrell: Next speaker is Linda Faas, which will be followed by Michele Burkett.

Audience: (unclear)

Dante Pistone: Do you have a comment card already, or?

Audience: Yes.

Dante Pistone: Okay, so we could take that out for later.

Craig Booth: Yes, thank you my name is Craig Booth. I am a physician from Saint George, I've been there for 34 years.

[To audience: Please don't. You're taking my time.] Nowhere in the environmental impact statement, when you talk about science, is there a mention of the percentage of sulfur in the coal that you used in your modeling. The cleanest coal I've ever been aware of is 2% coal. No one mentioned how much sulfur is in the coal that comes from Wyoming. If it is 2% then 2 to, *[To audience: please,]* then 2 to 4 tons of sulfur containing compounds are going into the atmosphere every single day for 60 years.

This thing will use 2,500 acre feet of water. I know you're not doing water, but you are only permitted for 2,100 acre feet of water. 2,500 acre feet of water compares to the 50,000 feet of water currently being fought over in the courts by Nevada, by Las Vegas and Utah in the Snake Valley. They may connect, they may not. I don't know.

The power is going to go to Nevada and Arizona. After our last, or our first project meeting, there was one phone call from the Sithe people to the Saint George power department, saying “are you interested in a little bit of power?” Was that just a convenient call or was that a call for the newspaper?

What’s happening here is, Arizona and Las Vegas get the power, Lincoln County may get a few jobs, no power. Sithe gets the money and Saint George and Mesquite get the pollution. *[To audience: please, please, don’t, don’t, don’t]*

Saint George is 33 miles from the plant. Was that conveniently planned so you didn’t have to take into account Saint George, because you only had to go 30 miles?

80% of the prevailing winds go directly to Saint George; the other 20% nearly come directly to Mesquite. At the very least, please move this plant at least 20 or 30 miles to the west. You’ve got a railroad line there. Why build another railroad line? Why, why expose all of us to the pollution that is going to come out of this plant? You could not build this plant in California. Are they smarter than we are? Are they smarter? You can’t build it there. The power will probably end up there, but you won’t, but we will still get the pollution. Please don’t build this plant.

Vickie Gatrell: The next speaker is Michele Burkett, followed by George Michnick.

Dante Pistone: Just so, just to make it clear, NDEP does not support or oppose this plant, We don’t have a dog in the fight. All we’re looking at is the air quality standards. We couldn’t move the plant if we wanted to, that’s the applicant’s decision. Next.

Michele Burkett: Ladies and gentlemen, thank you for your time. I’m going to make it very brief. I was in the hallway and it’s very difficult to hear, but I do appreciate everyone’s coming in, and look what we’ve done.

If you’ll allow me, my name is Michele Burkett, and because you were out in the hall way and I could not hear. I just have a few brief questions, and then I will make record comments in the mail, thank you. Because you did a little spreadsheet about air quality, would one of you please tell us again one more time the difference between a Class 1 and a Class 2 air quality?

Greg Remer: Once again my name is Greg Remer; I’m the chief of the Bureau here.

Michele Burkett: Hi.

Greg Remer: Sorry about that, is that better?

Michele Burkett: Yes, thank you.

Greg Remer: Okay, a Class 1 area is an area that's generally a wilderness area or a National Park. They were defined by congress in roughly 1977, and the remaining areas that were not so designated, or classified, are considered to be Class 2 areas. The Class 1 areas are those areas that Congress itself deemed to be more deserving, I guess, of further protections. Everything else in the state of Nevada is a Class 2 area except for the Jarbidge wilderness area up in the north east; I guess it's more centrally located portion of, of Elko County.

Michele Burkett: And so again, one more time, Mesquite is Class 1 air quality?

Greg Remer: No, Mesquite is Class 2.

Michele Burkett: And so it's not entitled to the classification, the highest quality of protection.

Greg Remer: It is not a Class 1 area, and therefore it has different standards that are, that is, that are applicable to it.

Michele Burkett: Your relationship to EPA, I'm not quite sure how that works. You did try to explain it. Again, I'm not a scientist, but the relationship between NDEP and EPA, I think you've been delegated certain responsibility, but of course you must be aware of the definitions. For instance, if Toquop was built, the draft EIS said, that it would be defined as a major emitter. Is that right?

Greg Remer: A major emitter of what?

Michele Burkett: Pollution.

Greg Remer: Well there's, it depends upon the pollutant that you're attempting to describe by that, by that title, or by that name.

Michele Burkett: Let's say CO2.

Greg Remer: Okay, CO2 is not a regulated pollutant, so it's not a major emitter.

Michele Burkett: Well, there are 4 major emitters already in this area within 30 miles. When you look at classifications and when you're about to issue a permit do you take into account the cumulative, that there are within 30 miles for major emitters already?

Greg Remer: Yes.

Michele Burkett: Is there any known effort to change the emission standards? Is there legislation that would be proposed? Does it have to be federally submitted, or would that be state?

Greg Remer: To change the emission standards?

Michele Burkett: Yes, when we say this application meets the current standards, and I might say the standards are too low, how would legislation be changed? Is that state regulated?

Greg Remer: That's typically federally regulated. The federal government, through Congress, gives authority to the federal, the federal EPA to set standards for the ambient air quality. That's what we implement as a state entity.

Michele Burkett: And that concludes my questions, thank you for your time.

Greg Remer: You're welcome.

Dante Pistone: Thank you.

George Michnick: My name is George Michnick. I'm a resident of Mesquite and also a new home owner in Sun City, Sun City Mesquite. After hearing all the previous speakers, I really don't have too much scientific information that I can add to, except the one information that where I say, where I bought a new home, I looked at topographical maps and tried to figure out where exactly, where I am in relation to this power plant. And I come up with eight miles. So I don't know where you get these fourteen miles or twelve miles, and that's my scientific information for you. I'm eight miles away.

I have one choice to make. The only choice that I make is; I'm dressed in black today because I'm going to have, my health problems. I moved here to Mesquite for health problems. I'm going to have one choice to make, I either leave here or you'll see me in black somewhere down the road. So thank you for your time.

Dante Pistone: Thank you.

Greg Remer: If I could just point out for a moment, we presented this slide earlier. This is a slide of the, the impact area, that is, that is due to this plant. As you can see, the most distant impact is for sulfur dioxide. It's on the... Not sure what happened there. It's on the west side of the plant, 3 miles away, and it is, let me just read it to you. It's a total of $84.5 \mu/\text{m}^3$, compared to a standard of $1,300 \mu/\text{m}^3$, which is 17 and a half, I'm sorry, 6 and a half percent of the regulated standard that the, that the plant is required to comply with. That is the most distant, maximum impact from the plant. So you mentioned 8 miles. The most distant impact is within three miles and it's seven percent, roughly, of the ambient standard.

Vickie Gatrell: The next speaker is Rob Powers, followed by Richard Anderson.

Rob Powers: Which ever microphone works, cool. Alright, I'm Rob Powers. I'm pretty much a native of Las Vegas, Nevada. I'm a resident here in Mesquite, and I want to thank you guys for doing your job. You're following the guidelines as set before you by the federal government of which I probably served.

My reason, my reason for coming here today is, first of all, for or against To , I can't even say the name of the place, Toq, whatever you call it, Tocop, whatever. I happen to be for a power plant, just by nature of the beast, we need it. I have kids, they are going to need electricity when they're my age, if I live much longer.

My problem lies in the fact that, as the mayor brought up, the power plant issue in Glendale, Mohop, or whatever you call it. I go to work every day in Las Vegas. Every day in Las Vegas I drive through the cloud. The cloud I drive through isn't caused by a power plant. It's caused by emissions, emissions from vehicles. If we're going to get up here as the City of Mesquite and all you all out there and we're going to complain about future air quality, I'd like us to look at the immediate thing of the cars we drove here. And say, you know, if we're going to get on a band wagon anti Tocop, whatever, let us set emission standards for our vehicles here in Mesquite, and adopt them so we don't have the cloud that I drive through everyday in Vegas.

The power plant is a good thing. It's going to do what it's supposed to do, which is supposed to provide more power. How it impacts the environment and all that, that's your guys' bailiwick, when the other agency's, not yours in particular. I don't know enough about all that. I try to read up and get educated. I do know this, coal plants of 1950's and '60's were something to be afraid of, coal power of the '50's and '60's. We're not dealing with that today. We're dealing with something totally different, totally cleaner, and that's what I'm hoping to be educated by you guys. That's how I feel, from my study, is that this is actually going to be cleaner. If Americans would go to nuclear power I'd be much happier. 85 percent of the navy is nuclear power, Every thing I ever worked on was nuclear power. But Americans are afraid of nuclear power and I've lived out of this country 11 years. I can say that from living outside of America.

So, long and short of it is, emission standards need to be addressed along with this power plant. If we're going to say no Tocop, then we're going to because of the bad air issue, then I want us, as the city of Mesquite, to take a look at the air standards that we're not supporting, for vehicle emissions. Because that's where the real pollutions lies. And if you drive to Vegas every day like I do, you'll see the problem.

Dante Pistone: Thank you for your comments.

Richard Anderson: I'm not going to stand because I have an illness, so if you'll excuse me for sitting down. My name is Richard Anderson. I'm a resident of Washington City in Utah. I am not a Mayor. I am not a Representative. I'm not a Congressman, or a Senator. I'm just a plain old citizen, but I do have a dog in the fight, in fact I've got six. I don't really want to call them dogs, but I got six little granddaughters living in Washington City. We're the, we're the, major metropolitan down wind of, of this plant that's proposed.

I have a couple of questions. I'm going to make a couple of statements. Parts of this are probably a lot of rambling, but, I heard the statement made that you really didn't have a dog in the fight. But I've kind of got the impression, probably wrongly, that you know, this thing's already been kind of decided. I've seen a lot of people, I've seen a lot of people patting themselves on the back tonight. I'm not going to point fingers but, I've seen several people patting their selves on the back and I question that. I'm not addressing anybody specifically.

My wife has allergies. One of my granddaughters has allergies. I did hear a lot of words also that, or adjectives about very significant, extensive, and those didn't impress me by the way. And along that line, the state is responsible for administering the Clean Air Act under the environmental protection standards, but that responsibility can also be taken away if I'm not mistaken. If the state doesn't meet their responsibilities, the federal government can step back in and take control. Is that true or not true?

Greg Remer: That's correct.

Richard Anderson: I just wanted to confirm that. And the EPA standards are the minimum standards, the minimum standards that have to be met. Some of the states, I believe, have administered additional standards that over-ride, I guess that's some of the law suits, some of the things in the Supreme Court, I'm not sure, if it is then that's probably where it will be decided and where it does belong.

I don't know anything about the buckwheats. The only buckwheats I've ever seen are on a plate and with some syrup on them. By the way they're not wheat because my wife has another disease, I don't think it's caused by a coal fired power plant but it might be. She has celiac, so she can't eat any wheat. But she can eat buckwheat, so, but people might want to know that just for interest.

I made calls to my representatives; my two United States Senators in Washington and my U.S. Representative in Washington. I made a phone call to the Governor of Utah, and I made a phone call to the Governor of Nevada. I have not received any response back from the Governor of Nevada's office. That phone call was made about a week and a half ago. Apparently, I'm not too important to the Governor of Nevada, which that's, I don't find that important one way or another. It's my understanding too that, or also, that Governor Gibbons, who I never met by the way, was requested to be here tonight, and he apparently turned down that request, said that he's too busy. So, you people might remember that when the next election comes here in Nevada.

I do have one question, well actually maybe more than one, but, I'm probably going over my limit too, by the way. But I didn't hear any mention of, and I haven't read the, the and I apologize for that, I just haven't had time, and there's no excuse for that, but I have not read the draft impact statement. But I did work in the nuclear industry for 20 some odd years, and I do know that coal fired plants, at least the ones I'm familiar with, do emit radioactive material. Now I don't know whether that's addressed in the, in the impact statement or you know, but if some of that material, I assume is going to be captured, by

the bag system or whatever, where will that be disposed of? Or is that part of this analysis?

Greg Remer: You're asking where the material that's collected by the controls?

Richard Anderson: Will be disposed of, yes.

Greg Remer: I believe they have an on site landfill, is that correct? Yes, there's an on site landfill, most power plants do that.

Richard Anderson: And I'm assuming there will be some, and I might be wrong about this, but I do believe there will be some radioactive material that will be released, and it is allowed, by statute.

I just want everybody to understand that. That you know the people in southern Utah are a little bit sensitive to this issue of radioactive material and probably for good reason. Something to keep in mind.

I am a retired, because of my illness. I am a retired certified safety professional, so that might give, you know people have been throwing around a lot of titles so. I am a CSP, retired. And I know there's a P.E. in here somewhere, P.E. in here somewhere, so he had to pass some exams, I had to pass some exams also, so anyway.

Some of the materials that, compounds, elements, that we talk about in this power plant issue, I believe there are some, some materials that there are no safe thresholds. Now what that means is that by statute or by law or whatever there is, an allowable limit that's allowed to be released and the people are allowed to be exposed to. Asbestos is an example; radon gas, the VOC's, the benzenes, zylene, I can go on and on.

If you, if you women at home do your nails, do it outside, don't do it inside the house. If you knew what was in that stuff you wouldn't be exposed to it. Anyway, I do.

I just thought I'd throw that out because I understand your job and I understand the difficulty of it. And I know that, that a decision can be made that a, a something that's harmful or bad can be also acceptable and okay, as strange as that sounds. But something can also be good and not harmful and be acceptable; an example might be the renewable you know, sources.

I'm not speaking here tonight for myself, I'm not, I'm damaged goods. In fact, I'm against the war in Iraq. By the way, if they're going to send somebody, they ought to send guys like me. I'm damaged goods. Give me a gun, let me go over. I mean, I'm about gone for anyways, so I'm not here representing myself. I'm here representing my five, my five little granddaughters that live in Washington City. I don't know if I mentioned that's just the major complex down wind of the proposed plant.

I doubt this plant, I doubt this plant, if it were proposed closer to Las Vegas or closer to Reno, would be accepted. I really do. And I'm not gonna use the, I'm not gonna use these terms again that are; very significant, and extensive, bait and switch. Well I just did use them, I apologize. But I understand this might be kind of, I actually don't have a problem personally with the natural gas power plant. I don't. And if we gotta pay more for power then let's just do it, you know? I mean my taxes are going up and my property, my property value has gone down actually, like all of us has, with the quote recession or whatever we're in. So if we gotta pay more, let's pay more for it. I mean I'm paying more for other things in my life that I'm not too happy about, so if I got to pay more for power let's do it. Here's, I'm gonna, I'm gonna, I know I've gone way over my time, but I'm a BSer so, but here's the last thing I'm gonna say and I'm, and I know this really probably won't have an impact.

(crowd murmur)

Dante Pistone: Okay, please be courteous.

Richard Anderson: Who let them shepherders in here?

Dante Pistone: Please be courteous to everyone, please be courteous to everyone. Wrap it up please.

Richard Anderson: I am, the last thing I'd like to say is this, and I don't know that it will have an impact; it would with me, it would. Just because something's doable, doesn't mean it should be done. I believe in the golden rule, I honestly do, and I don't always follow it but I believe in it. And that's what I would say is that, I would leave you with do the right thing.

Dante Pistone: Thank you for your comments.

Vickie Gatrell: The next speaker is Colin Warren followed by Wayne Romprey.

Collin Warren: I'm Colin Warren, and I want to give my time to Harry Hess.

Vickie Gatrell: Does he have a card?

Greg Remer: If you could step forward to the microphone. That way we have a record of what you have to say, and when you come forward, please state your name.

Harry Hess: Hello I'm Harry Hess, Mesquite resident, is this microphone live?

Dante Pistone: Yes, you just have to put it a little closer to you.

Harry Hess: Okay, I'm Harry Hess. I'm a Mesquite resident and Colin is ill tonight. He's, he's a neighbor of mine, lives across the street, and he had the un-wisdom of smoking in his youth. How could he help that? He was subject to the propaganda of the

tobacco industry at that time. And the tobacco industry had a big propaganda machine which made us ignore some one million of deaths which have been caused by tobacco. He was going to protest the development of this plant because he's very dependent upon Mesquite's clean air.

Now, may I speak for myself? My main concern about discussions of air quality, and other issues associated with power plant, is that nobody cuts to the chase, nobody talks about how many big coal kills. Big coal, like big tobacco has had an enormous propaganda program going for many years. And we have seen it exhibited in Mesquite here, this week by the advertisements of big coal, about how clean this plant is going to be. Well, please don't let them fool you. I noticed that you are sticking closely to a few of the air pollutants emitted by coal plants. Conveniently somehow, your reels do not include little things like mercury and carbon dioxide. Well they should include them, and why don't they?

I have a couple of questions to ask in that regard of you gentlemen. Were you elected to your offices in this state environmental protection division? You are not elected officials, right?

Dante Pistone: No we're not.

Harry Hess: Were you appointed?

Dante Pistone: Yes

Harry Hess: When?

Dante Pistone: Well it varies, depending on who you're talking to.

Harry Hess: Now I heard...

Dante Pistone: But we are accountable.

Harry Hess: Accountable, to?

Dante Pistone: To the law

Harry Hess: To Governor Gibbons, right?

Dante Pistone: And to the law, to the, to the regulations that have been established. That really is our accountability. We're accountable to enforce the regulations and, and by the way, Nevada's mercury regulations are very strict. They're stricter than the national standards.

Harry Hess: Getting back to the point I was making,

Audience: Speak up please.

Harry Hess: It says here, sensitive microphone, so I've been staying away from it a little bit. I'm afraid it might file suit against me or something.

The point I'm making, gentlemen, is that, see all elected officials as you have seen tonight, are on our side. They see that this plant constitutes a danger to us and that this plant is unnecessary. We know that, you must know it. It's unnecessary.

However, excuse me, the point that I have repeatedly spoke about on this issue is that these plants kill a lot of people. It's studied by Harvard Scientists, starting in 2003 and continuing, actually 2002, 2003, and subsequently demonstrated that thousands of Americans are killed each year. You have heard so far tonight about the illnesses that we know and you know coal fired plants cause as a result of the emissions.

The Harvard University study cuts to the chase, and describes and details how many thousands of people are killed. You can break it down by the power plant, by the individual power plant and the megawattage. Now of course, most of us have been fooled by big coal's propaganda, say, oh these plants, they are so clean now. Did you see that advertisement during the super bowl game? The big shining coal plant on the edge of a river. Everything clean, trees growing. And that coal plant was what is called 'future gen'. Believe me, it's way in the future.

The last week that plant, which has totally cost us, it has cost us 1.8 billion dollars as tax payers in the United States. It is one of President Bush's ideas, and by golly he's been spending money on it for his whole administration since 2003, and the plant was discontinued last week because it was clear that such plants would not be financially feasible. Bottom line, you can't clean up a dirty coal fired plant.

You hear a lot in the propaganda that oh, we're going to sequester the CO₂ and these are going to hide it underground, do you believe that? Well, they spent 1.8 billion dollars just warming up to do that and quit after 5 years. It can not be done. At least coal would never be financially feasible if you were really to sequester the CO₂ and even then, ultimately it would leak out of the earth where they sequester it.

Dante Pistone: Are you getting close to the end of your comments sir?

Harry Hess: I am. I was just going to say, that federal courts have concluded, and you must know, 'cause this is not a very recent, back to December or November, that EPA can enforce laws which limit CO₂ production. That was in the law suit with California and some other states. If that is not a factor of air pollution control, then I can see where you can beg off of such control. However, it is a factor. And if you go to EPA and say, look fellows, this plant passes our little list of chemicals but it sure is going to pump a lot of CO₂ in the atmosphere, I would appreciate that very much. Thank you.

Stacy Christensen: Sir, I am here on the docket to speak, I have some school children that live in Utah, we have a two hour commute to go home.

Dante Pistone: We have 35 speakers left and we have to take them in order.

Stacy Christensen: Sir, could I request that you let the school children, would you defer to the school children...

Wayne Romprey: I'm from Utah, so I have a commute, so I'd like to talk.

Stacy Christensen : But would you let the school children go first and then you could go?

Wayne Romprey: My bus is probably on the way out now, right?

Stacy Christensen : We have 250 valentines to deliver to you from Saint George people.

Dante Pistone: We appreciate the valentines and we'll be happy to accept those. If you have a statement to read into the record or submit in writing, you're welcome to do that.

Wayne Romprey: I only need 2 minutes. My name is Wayne Romprey. I'm from Utah,

Audience: We can't hear.

Wayne Romprey: I'm Wayne Romprey, I'm from southern Utah. I live just across the border, about 4 miles. Just across from where Scarecrow Mountain is there, Scarecrow peak. That if you watch any of the prevailing winds that come up from Las Vegas area, come across near Moapa Peak, right across where that plant's going, right straight up the canyon where I live, I'm going to be the first one and the oldest one in Utah to get hit by this stuff that's coming out of the plant.

I think one of our problems is, is that we're probably not so much against the plant as we're against the con,... the regulations and the specifications that this is to be set at. Because we know were gonna get some of it, plus all of that is already mixed with the plant from down in Moapa, so it comes right straight up through there all of the time.

The DI Ranch has a whole lot of world class horses out there. All we have is some commercial gardens and a few small animals. But we want you to know this is happening. And I have a little quick letter here that I wrote to BLM. And I want to read parts, I'm gonna leave out most of it, a lot of it, because it's already been brought up.

Dante Pistone: Thank you.

Wayne Romprey: When the gas fired Toquop power plant was proposed several years ago, the residents of Mitocqua Ranch were concerned about the great amount of water needed to operate the plant, as their property relies on a spring and wells of which have had adequate recorded levels, even in very dry years. Tapping into our aquifers, such a short distance from our ranch, could cause our levels to diminish. We're right on the edge of the great basin, you know that. The DI has, has springs over there; I've been over there and helped them dig them out too.

As ranches only a few miles down wind the proposed, or up wind whichever you determine it, we are now also concerned about emissions from a coal fired plant. As our latest information indicates on the US average, such a plant, per kilowatt hour, produce, this was several years ago, emit 726 grams of carbon dioxide, 5.3 grams of sulfur dioxide, 2.8 grams of nitrous oxide into our atmosphere, which we understand to be chief components of acid rain, smog, etcetera, whatever. There are presently many children and aging adults there. We have health concerns, that's it. We're against the installation of coal fired plant at this time and serve notice of liability for loss of water and pollutant caused health conditions. This letter went to the Ely BLM last month, and I'll be happy to send a copy to whoever else needs it.

Dante Pistone: Please submit it for the record.

Wayne Romprey: Thank you.

Dante Pistone: Thank you.

Dante Pistone: If the next...

Stacy Christensen : I'd like to, we have to go now but, these are not valentines from the students, these are valentines, sorry, for interrupting. My name is Stacy Christensen. I'm a resident of Springdale, Utah, Zion National Park. My family and the Zion Canyon students hand made 250 valentines to put, allow people in Saint George a chance to comment. Every one of these valentines is signed by a resident of Saint George, with their personal stories of why they want you to not do this coal fired power plant. The children, come up. These are how many letters. Every one of these letters has a story, and every one of these letters tells you why we think that there's plenty of science that you should not do this. We can go on and on how many of these valentines there are and what they say, but, the truth of the matter is, 330 people showed up in Saint George. We would like you to hold a public hearing in Saint George, so that all of the people in Saint George could tell you why we don't want this air. Dr. Booth said that we're conveniently 3 miles outside of your study area, and we really need, we had the bishop of the Episcopal church show up at our rally. We had Arlene Walker that asked us to make public comments. She's the former Governor of Utah, and we planned to take copies of these valentines that we're submitting to you to the Governor of both Utah and Nevada. And we want to ask them, that these kids here, all of us are wearing shirts in protest of Toquop because we want our children to be able to live in Utah and have clean air. Thank you for your time.

Dante Pistone: Thank you

Stacy Christensen: And thank you for letting me butt in. I apologize for everybody that was on the docket, but we gotta get the kids to school.

Dante Pistone: We have 34 speakers left.

Vickie Gatrell: The next speaker is Mike Small, followed by John Paul.

Mike Small: My name is Mike Small and my bus is waiting, so, I'll talk quick. My family and I have lived in Washington County, Utah for over 20 years, and I'm a retired federal wildlife biologist. For the record, these comments are my personal comments and I am not here representing any group or organization. Thank you for the opportunity to comment today. I sincerely hope that my comments will help the State of Nevada make a better decision regarding this proposed coal fired power plant.

Tonight I will restrict my comments and questions to the emissions of lead and mercury into the atmosphere from the operation of this proposed coal fired electrical power plant, and to the emission permitting process of the State of Nevada.

There are five basic facts that we can all agree upon: the serious negative impacts of lead and mercury exposure on human health are well documented, number two, there are no known positive impacts on human health from the long term exposure to lead and mercury, number three, no safe levels of lead and mercury exposure to humans are known, number four, the burning of coal by this proposed power plant and the result and smoke plume will result in the emission of lead and mercury, and, number five, prevailing winds would carry emissions from this proposed coal fired power plant to Washington County Utah.

Given these points and my understanding prior to your slides, that lead and mercury are classified as non BACT pollutants, which essentially means, that there isn't really a good working control method for lead and mercury emissions, I strongly urge you to deny this application.

However, in case the Nevada Division of Environmental Protection decides to go in the other direction, and issues a final pollution discharge permit for this project, I want to raise some significant issues regarding permit limit violations, permit enforceability and post-permit monitoring. First, I want to ask, what action or actions will be taken if it is discovered at a later date that they're over the limits discharge of pollutants? In my view of the permitting process, issuing the permit is somewhat easy. Where the permitting process, no matter what's being permitted, often falls down, is in the monitoring and follow up stages. I'm sure you know that.

Second, will there be a long term monitoring for atmospheric lead and mercury emanating from this proposed power plant? How far down wind will the monitoring be done? Third, where will the long term monitoring be located? Specifically, any long term

air quality monitoring stations established for this proposed project, will they be located in Washington County, Utah? And who will pay for the cost of air quality monitoring in Utah? Hopefully, the proposed power plant owners and not the tax payers of either Utah or Nevada. And finally, because the life span of the proposed power plant is 50 years, and because air quality standards change over time, how will future changes in air quality standards be incorporated into the operating permit once the proposed plant is fully permitted?

The permitting today and subsequent grandfathering in at a later date of today's pollution standards, which science in the future may prove inadequate, is immoral at best. We know pollution standards change over time and there needs to be a way to keep the discharge permit requirements up to date with current scientific knowledge. Please keep this important point in mind.

In closing, I urge you not to issue the final permit for this proposed project unless significant issues that others and I have raised can be completely resolved. Thank you.

Dante Pistone: Thank you, would you like to stay for the answers or do you need to catch your bus?

Mike Small: I think I better catch the bus.

Dante Pistone: Okay

Audience: Come right through that door, come through here.

Dante Pistone: Just generally, well go ahead, Greg?

Audience: Give your answers,

Dante Pistone: Yeah, we will

Vickie Gatrell: The next speaker is John Paul.

Dante Pistone: Hold on, let Greg address those questions.

Greg Remer: I'm not sure I can remember all of the questions. What I, what I can do is point out... You mentioned that lead and mercury were not, I think you called it, BACT pollutants, we call them PSD regulated pollutants. Lead is indeed a regulated pollutant, under, under PSD. Mercury, however, you are correct, is not a PSD pollutant. It is still a regulated pollutant. There are standards for it, there's just not an ambient standard for it. There are emission standards, okay.

Dante Pistone: And Nevada's mercury emission standards, again, are stricter than the federal standards.

Greg Remer: We will, however, take all of those points up and we will respond to those or to those questions in our response to the comments.

John Paul: I'm John Paul. I reside in Mesquite and I have to tell you that this plant would not be built in Mesquite because of the pollutants that are in the air already, already at, it wouldn't be built in Las Vegas, because of the pollutants already in the air in Las Vegas would make it so that it would exceed the standards. But because Mesquite, or the surrounding area, has such clean air, then it doesn't come to the level of the standard of contamination. But it will over time probably. Especially when the PM2.5 comes in, which of course isn't really covered here, but will be someday. Right now they just use PM10.

I find that 50 years ago, the coal plants that were really dirty and now we have these wonderfully clean ones. 50 years ago they didn't have standards that we have now, but I hope it doesn't take another 50 years to get standards in place that wouldn't allow such a thing. I know that one of those standards not covered up here is the people. That's a shame. But you're only covering the air pollution, as it says, the Bureau of Air Pollution Control.

I'm president of the Virgin Valley Water District. I know you don't cover the water here. But the pollutants that are going to eventually get into the basin, and it's in an adjacent pass through shared basin, actually. The EPA required us to clean arsenic out of our waters, a 23 million dollar project that we're undertaking. But the arsenic occurs naturally as a mineral from deposits because of the volcanic history of our area.

But this is going to not be natural to our area. We're importing these pollutants and they eventually get into our water supply. Maybe the next generation will have to clean the mercury out with the 30 or 40 million dollar project. It doesn't seem very sensible in the long run, but of course that's not covered by this.

And the buckwheat. Let's at least save the buckwheat. But that's not covered by your department either, unfortunately that's fish and wildlife maybe, because it's an endangered species. Well, the buckwheat might have a chance in stopping this but the poor people don't have a chance in stopping this.

The government has failed..., the government, the EPA, which actually can pull your ticket on this, because you're only the end in EPA. The EPA failed when they put standards in and Governor Jim Gibbons has failed the people here because he won't have any standards. He's, "oh it's up to the EPA", but Arnold Shwarzenegger puts standards in California and now he's prepared to sue the EPA on those standards because they're more stringent than EPA. And you wanted only science. But I bet you ignore Joe Hardy's science, 'cause it's political science, it's not covered on your sheet.

There's a real problem in all this and it's a darn shame that the people ultimately don't really get heard. It's the money that puts together this report in compliance with the substandard standards.

I'd ask you lastly, not to complete and approve this draft into final form because it is, as I recall, 36.8, a pollutant, right there on a whichever one that is, and that's important, 'cause that violates. But you mitigated it because you said there's an outside contributor so therefore it's really under 30, 'cause if it exceeds 30 you can't do it.' Well, it does exceed 30. Why massage the figures to say the outside contributor is the real culprit here? It's not correct, and I hope somewhere deep inside yourselves you know it's just wrong and that you act on that. It is 36.8. Stand on 36.8. Thank you very much.

Dante Pistone: Thank you for your comments.

Vickie Gatrell: The next speaker is Cyril Noble, who's followed by Ted Miller. Are they both gone?

Audience: One question, do you all have grandkids? You don't have to answer, I'd like to meet 'em and tell 'em something (unclear).

Vickie Gatrell: Go ahead...Cyril Noble is but he's not coming up.

Ted Miller: Thank you I'm Ted Miller from, a resident here of Mesquite. I couldn't help but wonder, I wonder how enthusiastic our good friends from up north would be if we were building this power plant in Caliente.

I don't have much to say about your air pollution control. I think this whole process is kind of a farce. I would like to say one thing on the water, and this is a big part of it. 3,000 acre feet of water is approximately enough for 8 to 10 thousand residents of the State of Nevada. As one of our wiser citizens said, we're selling this power outside of the state, therefore, we're exporting that water. In the very near future we're going to have to replace it, and that's not very far away.

I would hope, or I would say that if we cannot regain control of our government, and this project should go ahead, that the least we should do is probably charge them at least \$400 per acre foot, which is a million three a year. And they should also reimburse us to find that water, which could be several million dollars to find it. That should be put into this company's profit and loss statement. Thank you.

Vickie Gatrell: The next speaker is Lisa Rutherford followed by Steve Rypka.

Audience: Lisa had to go on the bus.

Vickie Gatrell: Is Steve here?

Steve Rypka: Hi, my name is Steve Rypka. I live in Henderson Nevada. I came here to support the people of Mesquite, and the people of Utah who are against this coal plant.

You know, this plant, I just want to get one thing out of the way. I know it's not under your purview, but, we don't need this plant. We don't need the energy. We've got plenty of options with renewables and energy efficiency. So that's the number one thing that should be considered, is do we even have to do this?

Now, you keep referring to the existing regulations. You have to go by the rules and you've got all this incredible detailed accurate scientific data that you say is important to the process. Well, there should be regs on CO2. And the fact that there aren't, may not be your fault, but we still have a responsibility to acknowledge reality, and just because the current administration has put this off, and just because the coal plants can lobby heavily to keep CO2 regulations at bay while they get these plants built, and then get grandfathered in, is not a good reason for the State of Nevada to allow it to happen.

The laws that you're referring to, the regulations, are lagging the very accurate and urgent scientific data that we know is happening. We're getting this information all the time. The things that climate scientists said would happen in 60 years are happening right now and a lot of them are shocked at the rate of change that's going on on this planet.

You know, if I fell on the ground in trouble, everybody in this room would do what they could to help me. We have a planet in trouble and it includes every one of us, and we're acting like, 'hey, let's just shoot the guy and put him out of his misery.' That's not the right statement to make in this in this kind of situation.

I believe that Nevada can be a leader with renewables, with efficiency. We should take advantage of that and set the standard for this country, which in then turn, can set the standard for the rest of the world. It's the only chance we have of, of avoiding a major environmental catastrophe that is that is heading our way and actually is upon us now.

So, I would say that because we're not paying attention to the current science and because that scientific data is being kept at bay, and not included in the current regulations with the Environmental Protection Agency, the fundamental process that you are using to approve this permit is flawed.

You know, our nation's top climate scientist James Hansen has called for an immediate halt on coal plants. Immediate. Not in five years. Not in ten years. He says we cannot afford to build any more plants. He said each one that is permitted, and that is built, is going to absolutely contribute to the extinction of species. We are a species, so we're heading down that road. If this plant is approved, it's going to cause extinctions. We don't want to, we don't want to do that.

If we as responsible adults are to leave a livable world for future generations, there's only one option, and that is to leave the coal in the ground. We don't need to dig it up. We don't need to burn it.

And just as a scientific point of fact, in the energy and environmental energy information administration, in 2005, said that globally we burn 6.5 billion short tons of coal every

day. That is a huge impact on our, on our planet. We can't afford to keep doing this. So, states across the country are rejecting coal plants based on CO2 emissions. You have the authority to reject this permit and I urge you to do so, thank you.

Vickie Gatrell: The next speaker is Edward Southwick, Junior

Dante Pistone: Just a couple of comments in response. We too support renewables. We permitted several renewable projects, and welcome any permit applications that come in for renewables. Secondly, these plants won't be grandfathered in if there are new CO2 regulations. They will have to comply with any new regulations that come down the pike, so they will not be grandfathered in.

Audience: I know the utilities already requested that so (unclear)

Dante Pistone: Well, they will not be grandfathered in I can tell you that.

Vickie Gatrell: Is Edward here? Chris Orveck? How about Lin Alder?

Audience: All of those people were on the bus and I just want to say, this is why we requested this hearing in Saint George. They had to drive, they had to pay for the gas. We're an hour later than you are here and all these people that wanted to speak now have been denied the opportunity (unclear),

Dante Pistone: They may submit their comments in writing, and they have exactly the same weight.

Audience: Correct, but they're not, they were not given the opportunity to speak at these public hearings and they would have been able to do so (unclear)

Vickie Gatrell: Jeff Feldman

Jeff Feldman: Hi, oops, I'm sorry. My name is Jeff Feldman. I live in Ivans Utah. There's a lot of smart people here and I respect all of you for having to do a very hard job here. I've been in business all my life. I understand tough decisions that have to be made.

I want to appeal, however, to, to you personally, and that is when you, when you look back 40 years from now, what side of this will you fall on? What side will you make as your choice about what you did 40 years ago. What will you tell to your grandchildren? Will you, will you, say to them, 'I made the right choice, I made a hard choice? Or will you say to them, 'I was just following the rules?' That's a decision you have to make. And that's a very tough decision, and I, and I absolutely respect you for having made that tough decision. So I just want you to think about that for a second.

Secondly, as I read, and I do some research, and by the way, I'm 32 miles away from this map that I look at, and I see I'm about 2 miles away from where, that is in Ivans, Utah, I read about the Massachusetts versus the EPA, and I see that, that, that the Supreme Court,

just in the last few months, has decided that green house gasses must be regulated. But the EPA must come up with standards. Congress must come up with standards. You know that these two things will happen. Carbon dioxide will have to be regulated, and I'm sure PM2, PM2.5 is going to be regulated, congressionally. And to me, it seems to me, that you, that you need to do some level of risk analysis to understand what those changes potentially might be before you issue this permit.

So I, I urge you to think about those specifically. Thanks for your time.

Dante Pistone: Thank you. You're correct. There are a couple of court cases that have been decided and there is some litigation pending with some of the states that have chosen to, I think there, just Kansas is the only one that actually is out right denied a permit. But the, the, the Massachusetts case, correct me if I'm wrong Greg, dealt only with mobile sources, correct, autos?

Jeff Feldman: Specifically, tailpipe emissions

Dante Pistone: Right, and no doubt it's coming, and we're prepared for that. But, you know we're a nation of laws and the existing laws are what we follow. And I know the timing is bad, you know, we didn't choose the time that they submitted their permit application so it's...

Jeff Feldman: (unclear) that makes me think of Germany in 1939 (unclear)

Dante Pistone: Thank, thank you for that. We appreciate being compared to the Nazis, thank you.

Jeff Feldman: They just made decisions on (unclear)

Dante Pistone: Well, we are a nation of laws though, if you don't like the law, change it. Next person.

Vickie Gatrell: Bob Stone

Bob Stone: I'm Bob Stone. I live in Mesquite and I will discuss air pollution and air permits. I will address your issue. As I read the statute or statutes that direct, as I read the statutes, the Nevada code, that directs what your boss, the Director of Nevada Environmental Protection is responsible for; I read it that the Director is to ensure that any permittee shall not cause a permit to discharge into the atmosphere from any stationary source or hazardous air pollution of any hazardous air pollution or toxic regulated air pollutant that threatens the health or safety of the general public as determined.

I look at the discussion tonight not as the standards. I look at it, I did read your notice of proposed action and you have much of it here. And what it says is that you're giving these guys, who chose to come to us, we didn't choose to go to them, a permit to pollute.

There will be all sorts of toxic and hazardous materials that will come in to the Nevada and Southern Utah air. It's a fact. You've proven it. You've documented it.

Now, I ask you, have you considered, if you look around this room, looked at it earlier, there's a disproportionate number of older folks here. And the same is true in Saint George, Utah. These are retirement communities. Did you in your studies, and the direction under the statute to protect health, safety, welfare, did you consider the susceptible community, the group of citizens who will be breathing this poison? And you've proven it's coming. That's my first question. I hope that you've actually studied that because it is a very susceptible population here and we do understand that mercury and some of these other poisons kill people.

I guess what we're talking about; is one or two enough? Is a hundred enough? And I think there's studies that have shown that with the population around it's not unlikely to find that a hundred people will be killed by these poisons. But again I guess profits are pretty important, at least to our Governor.

Second question I ask, and this is specifically to you folks at the Nevada Department of Environmental Protection. I wonder about that, for this reason. You have not issued CO2 regulations. You keep saying it tonight, 'well we don't have those regulations.' Well, most of the other states have, and if you had issued appropriate regulations, you would be considering that in considering this permit.

But you people have missed that. Your department is derelict in that regard. You folks have set this thing up to go through. And I consider that personally. I think it's criminal to this community. I think it really is.

The next point that I'd like to make; I suspect that all of you are familiar with the December 14th letter from Nova Blase from the U.S. Environmental Protection Agency. And I suspect you're fully aware that she has totally rejected, or said, that the study that you folks have made in air pollution, and she's also addressed this, it was sent to the BLM, but I know a copy was sent to you folks, that your study is effectively bankrupt. It's not appropriate. It's not well done. It's not good science talking about science.

Now I know that the U.S. EPA delegates authority to you folks, and the U.S. EPA can yank that authority, but they can't do it in the middle of something like this. I really think that it would be helpful to everybody, it will only be fair and appropriate, if you went back and truly studied the affect of all this.

These folks brought this problem to Mesquite. I think it speaks volumes. The fact that these folks, with a huge desert up north, decided to put their plant, and we can argue if it's eight or twelve or fourteen miles from Mesquite, and whatever few miles from Saint George, Utah, they brought it to us. They brought it because Blackstone bought Sithe and they own the coal and it's all about profit.

Now wait, wait, wait, wait. I think that it makes this incumbent upon you to consider the intent in all of this. Because you folks, as I understand it, are going to have to enforce this under Method 9. I read, I did read your papers, and I don't know if any of you ever tried a Method 9 case. It is a squishy, subjective smorgasbord for defense lawyers, and nobody's ever going to convict anything of anybody of anything under that Method 9. I know that's the standard that's there, but what I guess what I'm saying to you is, that you really do need to consider the intent in this thing, because at the last meeting, and at other times, these Toquop people have told people around here, 'you're getting it.' 'Tough.' They've told our mayor, when she asked them to 'go back to the other end, don't build a rail line.' 'Tough.' You know, it's a 800 pound gorilla, throwing it's weight around, hiding behind regulation. I would ask you folks, don't be issuing any permit until you have issued CO2 regulations that protect the citizens of Nevada and surrounding communities from this air. We don't need it. Thank you.

Vickie Gattrell: The next speaker is Greg Shepard.

Greg Shepard: Thank you my name is Greg Shepard. I'm from Salt Lake City, Utah. I represent a company called International Automated Systems or IAUS. For the last ten years we have poured our heart and soul into creating renewable energy; solar and biomass. We have spent a fortune of our own money trying to bring this to fruition. We are now ready to rock and roll. And by this I mean, our solar energy and biomass can make a plant for the same price or less than coal. The cost is the same price or less than coal for the consumer. We can build now, any size plant with a brand new breakthrough technology that we have.

The cornerstone of this technology is our solar lenses. Concentrated solar power, right now, has lenses made of glass. With our remarkable mold that we have, which is tremendous technology, produces lenses made out of plastic and acrylic. The molds are produced by Lucite. We have a contract with Lucite in Tennessee.

With the mold, these plastic lenses pour off the assembly line for pennies, and they are more efficient than glass. Our temperatures exceed 1,100 degrees. And that 1,100 degrees heats the water. And by the way, our water is a closed system, so we don't use very much water. That water, heated to 1,100 plus degrees, creates steam which propels the turbine. And our turbine is breakthrough technology patented, much more efficient than standard turbines with a cost much less.

Our heat exchangers are 1/8 the size of present heat exchangers. The bottom line is; this is why we can produce a plant for the same cost or less than coal. And we can produce, the maintenance cost are far less than any of our competitors in solar energy, concentrated solar energy power. It is comparable to coal and less. We are starting our plant at this time in Delta, Utah. I would invite you to, uh, I'm going to email you information.

The tower that you have, you know you talked about 733 feet. Our solar towers are only about 55 feet in height, and you can see them if you go to IAUS.COM. You can go to that

and you can see these remarkable towers and how they work, and there's a marvel in technology.

There's no, as far as standards, there's no real standards to even consider because there's no emissions from solar. I mean they're zero. Everything is zero. Every one of those things would be zero. Mercury is zero. Now the CO₂, with our biomass is a net zero effect.

Now here's what's going to happen. You know, you've done, you've done a great job and you've been patient, but I want to invite you to look at our technology. I want to invite you to come up to Delta and look at it. Look at the, look at what we have, because this is an alternative.

Your project here is 750 megawatts. We can do that we can (unclear) do that. You see, solar panels can only do it a microscopic amount, the PV, the photovoltaic, and it cost nine dollars a watt. Our cost is less than two dollars a watt.

So, I invite you, the mayor, I'm going to meet with you at 1:30. You can have all the power that you want in Mesquite; clean, renewable, lower cost. Saint George can have it. Las Vegas can have it. There is enough land, and we have the capability of doing renewable energy in the next ten years for the whole western United States.

Now I'm here on vacation because I love Mesquite, and my wife and I are staying. We rent a place, we love it here. And I, just by happen, I happen to be vacationing here when I heard about this. I talked with my partners and they said go for it. If you give me a PPA, Power Purchase Agreement, and make it for less than your paying now, we build it. We've got the money. We have our own money, we'll build it.

Now here's what's going to happen, because we're, we're, we're going forward. We've got a place in Texas. We have a 1,000 acres in Delta. It's right next to IPP property, so that we're not next to their power lines. We'd like to work with IPP. We don't want to fight anybody. We just want to, we want to say, 'hey look, here's what we've got.' You can participate and anyone can participate with the technology that we have. We're not going to, we're not going to build and maintain power plants. We're going to, we sell technologies.

Okay, so having said that, here's what's going to happen. We're going to start building power plants, and they're going to range in size from one megawatt to 100 megawatts to 500 megawatts to 1000 megawatts. They're going to be going up in Utah. They're going in Texas. I'm sure we'll get some in Nevada. We're going to, we've already got 500 megawatts a year for 20 years in Australia, committed.

These things are going to go up. Now, here's the question, here's what's going to happen. I urge you, kinda like, back off a little bit on, on this permit, until you give us a chance and look at it a little bit. Because if you don't and we start building our plants and these people here, and it's on TV, they're going to, they're all going to remember this.

And that plant starts building. You start building that plant 'cause we're going to build our plant. We can build our plant faster than they can. We'll have ours up and in operation before they do. And now remember this.

So please, I'll work with you, I'll, I'm going to email you. I've got your email addresses here. I want give you the information to look at it because this is amazing, what we've been able to accomplish and we're ready to rock and roll, thank you.

Dante Pistone: Sounds like, it sounds like exciting technology; we would welcome your permit application.

Greg Shepard: We'll do it, we're ready.

Vickie Gatrell: The next speaker is Patricia Lee.

Jack Walsh: My last name's Jack Walsh (unclear) can you tell me (unclear)?

Vickie Gatrell: You're not last.

Dante Pistone: Fifth, what is he? Fifth from the last?

Vickie Gatrell: Sixth.

Dante Pistone: You're sixth from the last, how many cards do we have left?

Vickie Gatrell: About 18, 19.

Dante Pistone: Okay.

Patricia Lee: My name is Patricia Lee. I'm a resident of Saint George, Utah. I am one of the people. I'm a common citizen of this country. I would like that to be taken into consideration, in the governmental process of which you are an extended part.

I would like to see these laws, that I feel are inept and outdated, updated. I would like you to take part in this. Be a responsible citizen. I would like us, the people, to become part of governmental process, and you are part of the people.

We all inherently know what is right, and big business buying our government at the expense and the quality of we the people, our lives sometimes are lost, it's not right. Money cannot be our guideline. We're heading into a new future. That future is change, that we are in right now. We can all be a positive part of that.

I grew up near a power plant, Geneva Steel. It emitted a lot of toxins in the air. I now have chemical sensitivities. My body aches, 24 hours a day. I believe this is partly due to the exposure of toxins that I have suffered during my life. I was down wind to the safe

radioactive metals that were coming our way to Utah. When the government, so responsibly, guaranteed us it was safe.

To me this study is bogus. I don't honor it. It doesn't take into account the reality of human life, and I value that above all. This is our species. This is our planet. We can no longer continue to act in an immature and irresponsible way in regard to what we're doing. We have to move ahead. I urge you to be a responsible part of this process.

You can deny this permit, and you can be part of, and we all can be part of the new laws that can come into effect, that raise the standards for the quality of our air and our environmental safety. Because to this point, they have not been working. And it's time to stop pretending that they are. They are not working, for many people, and we can come together with creativity and intelligence and commitment and integrity and move forward with new ways to generate energy.

Let's safeguard the health of our planet. Let's safeguard the health of the people, the animals, the plants, all the parts of our life here on earth. We're responsible for that. They can't come and speak now, can they? But they're part of our survival. Where would we be without the plants? We wouldn't be alive. They can't speak. Where are the species going to be if they're extinct, due to toxins polluting the environment on a regular basis?

The water polluted. The earth polluted, coming from the air. These statistics, they don't refer to the reality of human life. Are they referring to my condition? Are they referring to many peoples' conditions, and the respiratory problems and the resulting health conditions that would follow?

I'm not a scientist and I won't even attempt to intelligently address this. It's beyond my scope of expertise. But I am a human being, and I do live on this planet, and I need good oxygen to be healthy and happy. Please be part of this process of change and evolution. It's evolution, and it's a little uncomfortable sometimes as we move ahead, disrupting the pre existing status quo, but it's unavoidable and inevitable. We are evolving. We are an evolving species. And it's time we need to move ahead together. Let's work together to find a new and better ways, but give us our power and safeguard our health and our planet, thank you.

Dante Pistone: Thank you.

Vickie Gatrell: The next, the next speaker's Calvin Meyers, is Calvin here? Okay.

Calvin Meyers: Good evening my name is Calvin Meyers. I'm from the Moapa Band of Paiutes. I'm a member of the tribe, but I'm not a member of the council. I live, I grew up same as the lady just said, in the shadow of a coal fire power plant, which is Reid Gardner, one of the dirtiest in the country.

I'm here not to speak for myself, not to speak for my people; I'm here tonight to speak for those people that can't speak for themselves. And to me those are the animals, the

plants that are out there that are going to be impacted by all the air that you do not want to control. All the air that is going to be harmful to them. they can't tell you. They can't talk to you about science because they live, they don't live in science, they live in the world, the real world. The plants that you will impact are part of my culture. The animals that you would impact are part of my culture.

Every time I go to a hearing or to a meeting, I ask the same question, how much can you take away from me until I'm no longer become Paiute? You take away everything that I have. Everything that's makes me, me. You take away parts that you do not understand and you never will, because you can't study it with your science.

We have sent letters to you. We've talked to you guys about things such as spiritual pathways. You do not believe in those things. Of course you don't because you don't practice that. That's not part of your culture. I don't expect you to believe in those things. I believe in those things, we still practice those things today, and if we don't have anything to practice what makes us unique? What makes us who we really are. You know who we really are? We are part of this land. You can live away from the state of Nevada. You can move away from all the dangers that come to Nevada. You can move away from any place that you go to in the world. You can always move away from there, but I can't.

My heart is part of the land. The land is me. I am part of it. Every time I move a little distance away, I've always, my heart stays on the reservation because that is where I'm from. That is something you people will never understand. And I know that because I've been speaking to people like you for many years and you've never understood.

You never understand that. When I spoke to the person that does our medical on the reservation at our clinic, where I ask how many people come in here with problems, respiratory problems? He says that over 50 percent of the clients have respiratory problems. These people live under the shadow of Reid Gardner.

We get to, we get all of the good chemicals to breath in every day. We get to have all these nice little illnesses that, that go around, we get all those too. We have people that can't go out of their houses. We have people that have asthma, that have breathing problems real bad, where they can't go out and play. And these are kids. My cousin, who's about eight years younger than I am, can't go outside very much because the smell of the chemicals that are emitting from Reid Gardner make it hard for her to breathe. I live within a mile of Reid Gardner. We speak to Reid Gardner personnel. They say, 'well, we don't have that problem with our personnel, when they come to work they're okay.' Well, yes they are, because they only go there eight hours a day. We breathe this stuff 24/7.

And when you say, well yeah, we study this, we study that, but the things that impact people you don't study. You don't care about. I know, we've had those fights with you guys from the reservation with NDEP, and you don't want to listen to those things.

You don't care about how you impact people. All you care about is being able to say, well, by law we allowed this to happen. By law, we allow people like me and the young lady you just heard, I call her young because nobody is old.

Those are things that you as a department do to people. That's where, that's where you don't understand. You put things in boxes. Well, we're only talking about the air. But you know what? How are you going to differentiate the air that's there and the ground? How are you going to differentiate air from the water? If the air is polluted the water will become polluted. If the air is polluted the ground will be polluted. It makes no sense when you put things in boxes. It, to me, the only reason you put things in boxes is so that you can push forward and allow things to happen that shouldn't happen. Thank you.

Dante Pistone: Thank you.

Vickie Gattrell: The next speaker is Dr. Christian Hyde followed by Shirley Wilson.

Christian Hyde: Thank you for holding this hearing. I'm sorry my colleagues from Saint George were unable to attend, or had to depart early.

I have some issues with the environmental quality analysis. As a medical doctor in Saint George, I take issue with the exclusion of PM2.5s, which have been shown in good medical literature to have significant health impacts. The New England Journal, which is the most prestigious medical journal in the country, published a landmark study recently showing that with every ten microgram increase in PM2.5s, there is a strongly correlated 76 percent increase in fatal heart attack, 83 percent increase in fatal stroke. This to me says that omitting PM2.5s, and using PM10s as a surrogate marker, may over simplify the health risk and there may be lethal consequences. I'm requesting an analysis of not only PM2.5s, that primarily come from the smoke stack, but also secondary PM2.5s that may be caused by atmospheric reactions with sulfur dioxide and other emissions, because failure to study this and control PM2.5s probably will kill people. The link between PM2.5s and premature death, in my opinion, is now on the magnitude of that between cigarettes and premature death. There are no random (unclear) studies, but there's very good strong correlation evidence.

In regards to mercury: the Toquop environmental impact statement mentions that not using carbon activated carbon injection systems under a cap and trade system, or deactivating this in the future, if it were not required, will the mercury controls ever be deactivated on this plant? Is activated carbon a requirement for this plant to be constructed and operated at all times? Will there be around the clock monitoring of mercury emissions?

Because there's a major issue in Utah with three reservoirs that are forty miles downwind, Gunlock being the nearest to Saint George, which is a primary part of our water supply, it is already non attainment for mercury, and there are restrictions for human consumption of fish from Gunlock reservoir. I honestly worry how Toquop, when

its EIS states that it will emit 196 pounds of mercury annually, will meet the Nevada requirement of 122 pounds annually. How will they do it?

Greg Remer: Well, they'll do it through the controls that they have, that they're required to be installed and those emissions will be verified and monitored by the continuous emission monitors that we have indicated that they'll be required to operate.

Christian Hyde: If their own statement says that optimistically they can meet 196 pounds, how will they meet 122?

Greg Remer: Well I can't speak to what's in the EIS. I presume that's what you're talking about is the BLM EIS?

Christian Hyde: Correct

Greg Remer: All I have in front of me, and what we have reviewed is, what is in their application to us. That is the limit that has been imposed, that is what they will be responsible to comply with and it will be verified through continuous monitoring.

Christian Hyde: Why would they report a different amount of emission to the BLM than to the Nevada Department of Environmental Protection?

Greg Remer: I don't know. What I can tell you is, in many cases on, on, on an EIS, it's common to overestimate to make sure you have worse case impact estimates.

Christian Hyde: Okay, well it sounds like their worst case estimate will exceed the air quality standard of Nevada.

Greg Remer: Our standard will be monitored on a continuous basis.

Christian Hyde: If it exceeds though, and they already have controls in place, how will that bring it under containment?

Greg Remer: They will have to comply with the standard or they will have to shut down.

Christian Hyde: I certainly hope so. The third, the third preventable emission that I'd like to discuss is fly ash. The open Toquop landfill will be free to all sorts of windstorms, and is estimated to release 47 tons of fugitive dust in the form of PM10s annually. I think the best available control would be a long term air tight storage system, such as a silo or warehouse, where these would not be exposed to atmospheric breezes and other distributing influences, and would be a relatively low tech solution for containment of PM10s and other harmful things in the fly ash. Is there any consideration of that in their EIS?

Greg Remer: The, well, we don't issue the EIS, we have a different process. The EIS is a federal BLM process. Our process, and I'm not sure where you're getting those figures from, but if they're from the EIS it's from a different source, it's from a different data source.

Christian Hyde: They are from the BLM EIS that states they will release 47 tons of PM10s of fly ash from their landfill, annually. And this to me is preventable

Greg Remer: I cannot speak to what their saying in the EIS. It's not our document. It wasn't submitted to us for our review. We have evaluated and reviewed, we have evaluated and reviewed the PM10 impacts, both stack and fugitive based. They are included in our modeling impacts and all of the emission estimates. Any emissions that occur from an open fugitive source are required to be controlled. They are all also, any landfill is required to also cap their, their working area with dirt so the, the fly ash that is being deposited will be covered over.

Christian Hyde: But I think that these are regulated under Best Available Control Technology and this is an available control that I am respectfully requesting your office to evaluate as a means for controlling fugitive emissions in the form of fly ash from this plant.

Greg Remer: Well, the fly ash is stored in a fly ash silo, upon collection from the bag house.

Christian Hyde: Only for short term, and then it will be transferred to the landfill.

Greg Remer: Okay, so if I understand what you're asking for, you are asking for long term storage silo?

Christian Hyde: Yes sir.

Greg Remer: That collects all of the fly ash?

Christian Hyde: That is correct.

Greg Remer: Okay, we'll take that and we will evaluate that.

Christian Hyde: I do appreciate it, thank you.

Dante Pistone: Thank you. Great. Very thoughtful comments, thank you.

Christian Hyde: Thank you.

Vickie Gatrell: Shirley Wilson.

Shirley Wilson: My name is Shirley Wilson, really. Can you hear me?

Dante Pistone: Just pull it, pull it down, there you go.

Shirley Wilson: My name is Shirley Wilson. I am a refugee from Las Vegas. I lived there many years and made many trips to Vegas, down here from Vegas to Mesquite, and my friend and I decided this would be a pretty nice place to live. No pollution like Las Vegas. 'Cause there's days in Las Vegas, when they tell you on the news, 'don't go out if you have problems,' you know, and, and when I was 21 years old I was diagnosed with (unclear) polio. I had an iron lung outside my door for 9 days, and except for the grace of God that would have been my life. But with prayers... And they did a few experimental things at that time, but I still have the effects of it over the years. I still had many things, you know that, so I'm glad to be here in Mesquite.

But now I feel threatened. I feel threatened by all the things that I've heard and read in the paper the last few weeks. My daughter and her husband, they bought a home down here too now, and they feel the same way I do. I have friends that are on oxygen, have respiratory problems that live here. They're all worried, just like me. I mean, I have a reason to worry too, because you know, living here I'm having no problems like I did in Las Vegas. And I noticed, after I was here a few months, my breathing was better, a whole lot better, and I told my family that too. And my health became better and my doctor was amazed. So I'm hoping that this never, ever, gets started here because it is a threat to all of us that already have these problems. Thank you.

Vickie Gattrell: The next speaker is Charles Loomis, followed by Lyman Whitaker.

Mary Jo Jacobs: My name obviously isn't Charles Loomis but he gave me his place. May I speak?

Dante Pistone: Sure.

Mary Jo Jacobs: Can you hear me?

Greg Remer: Yes, please, please identify yourself.

Mary Jo Jacobs: My name is Mary Jo Jacobs. I'm a retired family practice physician. I have one quick question to ask a comment to make and a request. The quick question was just a clarification where you said you measured the sulfur dioxide 17 miles west of the site. Is that, is that correct?

Greg Remer: No, here, let me put the slide up so that we can all look at it... further back?

Mary Jo Jacobs: I'm afraid you'll have to answer 'cause I don't read that slide that well.

Greg Remer: Okay, I believe this is the slide you were referring to.

Mary Jo Jacobs: I was referring to the comment that the gentlemen made as to where that measurement was taken... that monitor was. And I understood you to say 17 miles west.

Greg Remer: Well first of all it wasn't taken by a monitor, the plant...

Mary Jo Jacobs: I'm sorry?

Greg Remer: It was not taken by a monitor; the plant does not exist so there's nothing to measure from the plant.

Mary Jo Jacobs: Alright, was it 17 miles west? That's my question.

Greg Remer: The, the answer to your question is the most distant impact from the plant is 17 and half miles away from the plant. We didn't really indicate a direction, it's...

Mary Jo Jacobs: I understood you to say west. That is why I was questioning it, because Mesquite obviously is southeast and so if the measurements were taken to the west, that was my question, it's just a modeling question.

Greg Remer: It's just a modeling question, yes.

Mary Jo Jacobs: (unclear) my other, my statement is, was done in a much more articulate fashion by the doctor who just preceded me. It was relative to the 2.5 PM. We know now, medically, that, that is a very real and grave danger, and I understand that you are adhering to the standards that are current and set for you. I believe you said at the first of your statement, that the last amendment to the Clean Air Act were in 1990. Is that correct?

Greg Remer: That's correct, the last...

Mary Jo Jacobs: Okay, that's 18 years ago. I think if that other doctor, the other couple of doctors who've already spoken and myself, were still giving and limiting our patients to the antibiotics of 18 years ago, to the AIDS medications that were available 18 years ago, and so forth, much of this audience wouldn't even be here.

I'm just saying that... You do have that responsibility, that the other gentlemen stated, about the emissions that would harm the health and safety of the citizens of Nevada. Therefore, my request is that you look at your remodeling. Look at remodeling some of your work. Look at the worst scenario emissions that are there, not just random, not just best, not just ones that meet the standards; look for a scenario and describe for us the worst scenario that is there. And do what these other people have requested. And I think, I'm not asking you to not permit, I'm asking you to buy some time for us to remodel and give us a better scientific analysis.

Vickie Gatrell: Lyman Whitaker

Lyman Whitaker: I like to thank you for being here tonight, can you hear me?

Dante Pistone: No the other one.

Lyman Whitaker: Oh, this one, okay. Again, I'll thank you for being here tonight. Let's see, most of my questions got answered by a couple of the doctors. I think the only one I have left is; I was a little confused in how you model these air studies. You take monitors a certain distance from, you have a cubic centimeter or cubic yard and you can measure particulate in that or the SO₂? Is that roughly, have I got the idea right?

Greg Remer: You're close; it's not quite exactly like that. What we do, because the plant isn't built yet, it's all done through computer modeling, simulation modeling in advance of the project actually being constructed. So, the idea here is to, is to evaluate what the impacts will be before the plant is ever constructed. That way we never allow it to be constructed unless we know what the, what the impacts are.

Lyman Whitaker: Okay

Greg Remer: The models do over, over estimate, and on top of that the, the applicant, because of all the enforcement authority that we have, over estimates their, their, their emission potential so that they can comply with the, with the limits that they propose. So there's some conservancy built into all of these, these estimates.

Lyman Whitaker: And how do they figure this? Like, you obviously, this stuff has to be carried from this point to this point, so do they figure a certain wind speed?

Greg Remer: Yeah. That's, that's, that's a good question. We didn't really discuss that at any length. These kinds of projects are, are required to, to not only monitor the ambient air quality for, as it currently exists. But they're also required to sample the wind. They're supposed, they're, they're required to measure the wind at multiple heights in the atmosphere so that the models can appropriately figure out where those plumes are going, and then predict what the impacts will be.

Lyman Whitaker: Well, with wind, you have to take studies over a fairly long period of time to even get any idea

Greg Remer: Yep

Lyman Whitaker: About what it's doing

Greg Remer: Right

Lyman Whitaker: And I wonder if those studies have been done, and if not I would request that.

Greg Remer: Both the ambient monitoring and the, the wind data were collected over the period of just over a year I believe. Is that right Rod?

Lyman Whitaker: That's a relatively short period of time given our changing weather.

Greg Remer: Now remember, these are on site measurement values. These are values that are measured at the area where the, where the plant is.

Lyman Whitaker: Now, what about irregular weather conditions where you get high winds over maybe even short periods of time? How do they figure those into (unclear)

Greg Remer: Those would be determined through the actual measurements of the wind, over the course of the full year's worth of time.

Lyman Whitaker: And the other one is, what about prevailing winds? Now, is that figured into this?

Greg Remer: Yep, as a matter of fact...

Lyman Whitaker: How those are channeled and where they go?

Greg Remer: Yeah, let me put up a slide here. This is what's called a wind rose plot. It's a, it's an indicator, basically over the entire met data set, the, the entire year's worth of, of, of meteorological data that was collected. Basically, where the frequency distribution is, of various wind directions and then the speeds within those bars that you see there. So if you look, the first ring...

Lyman Whitaker: Where's Saint George in relation to that chart?

Greg Remer: Well this has no distance on it, this is just a, a frequency distribution plot of, of how much wind occurs from what direction.

Lyman Whitaker: Well you have north there don't you? I mean you have north.

Greg Remer: Yeah, it's from the northern, its from the northern direction,

Lyman Whitaker: Southwest, I'm just thinking where, what direction is Saint George from here?

Greg Remer: Northeast.

Lyman Whitaker: So, we can look at the north east. Well, there's a bunch going north, is that correct? Am I reading...?

Greg Remer: Those bars, to understand that plot, the bars that you see there are, are the indicator of from the direction the wind is blowing from, okay.

Lyman Whitaker: So that's blowing from the north.

Greg Remer: From the north, right. So, just so you'd understand this, if we're looking at the...

Lyman Whitaker: So, where is the wind blowing? Prevailing then, just answer that question.

Greg Remer: Generally from the north. The biggest...

Lyman Whitaker: The wind blows from Saint George generally from Saint George down this way, is that true?

Greg Remer: No. The wind blows from the north as measured by the meteorological instruments that collected that, that data.

Lyman Whitaker: I still don't understand

Greg Remer: Pardon?

Audience: This, is it from the ground level but not the top of the stack.

Greg Remer: That's actually 225 meters.

Audience: Really? 'Cause it looks very different than the one that BLM was given.

Greg Remer: Was the one that BLM was given at ground level?

Audience: Well, they had a ground level one and one 200 meters up, and the one 200 meters up shows only about ten percent of the wind coming from the north and about 70% coming from the south.

Greg Remer: Yeah, you will, you will typically see very substantial changes in the weather patterns at higher altitudes than you will at the lower altitudes. Surface wind conditions are affected by terrain effects. Upper winds are affected less by that, and they will show much more channeling affects, which is what you're seeing here. You gotta remember this, this; one of reasons why we make them collect this data is because we recognize they have a very tall stack. The emissions from that plume emitted from that stack are going to be emitted in the upper atmosphere, not into the lower atmosphere. It's very important to know what the affects are of the wind on that plume using proper conditions. That's why we collect this, this, this data.

Lyman Whitaker: Could you just answer me a simple question? Where does the majority of the plume go? Is it equally dispersed? It has to be channeled (unclear)

Greg Remer: Can you speak into the microphone?

Lyman Whitaker: Oh sorry, where is the bulk of this plume go? Of the plume from the stack?

Greg Remer: Well, it goes...

Lyman Whitaker: The wind picks it up and takes it somewhere.

Audience: Do you have a model?

Greg Remer: Yes, this was all preformed by the modeling.

Audience: Do you have an image of that so we can see where the plume actually goes?

Lyman Whitaker: Or even answer me where it goes, that would be good enough.

Greg Remer: Well, I can tell you that that the biggest impact that we had was for sulfur dioxide and it occurred west of the plant, right over here. Because of the terrain affects that were present to the west of the plant, and that's about three miles away from the plant.

Lyman Whitaker: Well, I guess that concludes mine. The only thing I might say in passing is, I would like to trust you. That you're not under the influence of anybody. And I suppose, for lack of any doubt, I will. I'll trust you that you're making judgments based on the science, however, I know about science and statistics. There's a big margin, whether your gonna put them this way or this way. And I think that what you've heard tonight I would favor putting 'em in the direction of the people who have spoken. Thank you very much.

Greg Remer: Thank you

Dante Pistone: Thank you

Dante Pistone: We, we honestly don't have a, we don't support or oppose this plant. We, we honestly don't. You know, I'm a native Nevadan, and I was born and raised in Nevada, and I very much resent that gentlemen's comparison of me to a Nazi. I was born and raised in Nevada. I have children of my own. I have lots of relatives who live in small towns. I was born and raised in Yerington, Nevada, so, very similar in size to Mesquite. We don't want to pollute the air or allow the pollution of the air any more than you do, but all we have to go by is the law. Thank you for letting me vent.

Vickie Gatrell: Susan Crane.

Susan Crane: Hi my name is Susan Crane and I've been a resident for about eight months, and I just recently tried to do my part in stopping this by going out and circulating petitions. And I only cornered a very small section of Mesquite. And within two weeks, I was able to accumulate 363 signatures, and that was in less than two weeks of me going out. I would think that if I was able to find more people, and we can go out to the rest of the city, I'd be able to get thousands more signatures collected.

I want to know, from you, how many signatures do we need to present to you, for you to say no? How many people have to show their opposition that live in Mesquite or, or so I do believe, Saint George, Utah has an online petition; how many signatures total, will you need to say no to this?

Dante Pistone: Yeah, we realize there are people that oppose this plant, we know there are people that favor the plant. The number of sig...

Susan Crane: Let's see someone go out and collect their signatures, the ones who favor it. I am talking about people that oppose it. How many signatures do I need to submit that will tell you, in a loud voice, from this whole entire city, that will tell you, 'no'? And I think that the taxpayers voices are much; should be much louder than the federal government's. Much louder than what the federal government tells you you should apply or go by what your guidelines are. If the taxpayers say no, we essentially pay your, pay your paycheck; we should be the ones who say whether this goes through or not, not federal government standards. How many signatures will I need to present to you in order for you to say no to Sithe?

Greg Remer: We cannot answer that, that's not within the scope of, how, we...

Susan Crane: So, you're telling me I'm wasting my time going out and collecting signatures? (unclear) will have no impact whatsoever on your decision?

Greg Remer: What would have a greater impact is if you could provide substantial comment on the technical nature of what we have evaluated. If you find an error or you find something...

Susan Crane: There's a lot of people that, there's a lot of elderly people that don't get out and about. I've seen these people. They are thankful that I'm going door to door and getting their signatures and their comments. They can't sit down and write a whole page letter. They have a hard enough time signing their name. That's not fair for their voice not to be heard.

Dante Pistone: We will accept their signatures, as opposing the plant, as just as we've accepted all these comments tonight. You know we have guidelines we have to live by too.

Susan Crane: So, even if I submitted 5,000 signatures to you, that, that will not alter your decision to stop this, to say no. Is that what you're telling me?

Dante Pistone: Our decision is not a political decision; our decision is a scientific decision.

Susan Crane: But your decision was supposed to be based on how it will affect people's health and welfare.

Dante Pistone: According to the applicable standards, that's correct.

Susan Crane: Okay, so people that pay, essentially the taxpayers, you're telling me they do not have a voice in stopping this? And you, you...

Greg Remer: You have a voice; you have a voice in everything that...

Susan Crane: You're telling me it doesn't matter that I submit these signatures.

Greg Remer: What I'm telling you is, if you want your voice to be heard you need to be involved in the setting of those standards. That's, that's the measure by which we approve or disapprove a project that, that is before us.

Susan Crane: So, you're talking, people have to have, people have to be able to go and write letters and contact our officials, that has nothing to do with your signature. So, for me to submit these, it's going to mean absolutely nothing to you?

Greg Remer: I believe we've answered that

Susan Crane: And that is pretty pitiful.

Vickie Gatrell: Next speaker is Jack Walsh, followed by Robert Shively.

Jack Walsh: Hello there. I am pro Toquop by the way. You gentlemen pro Toquop?

Dante Pistone: We're not pro or anti

Jack Walsh: Well okay. Well, I have a lawyer in Wyoming...

Greg Remer: Can you lower, if you can just lower the microphone

Jack Walsh: ...A friend of mine. A lawyer in Wyoming. We have mutual interest in coal for this plant. It will be coming out of Wyoming, and we want to create jobs up there, because they don't care about that down here.

So this is a call, where the, that I would absolutely be interested in representing with the lawyers of (unclear) of Wyoming and Toquop.

If anybody from Mesquite tries to (unclear) sue, stop the production of the plant, or temporary injunction of relief, hoping for permanent injunction of relief, which we don't think they can succeed on it, the only guy in this town who could help the city here, the best federal lawyer in Mesquite, is me. And I take the position against the city because, why not? But here's a card, with a judge Peggy Lee, a federal judge up here for... Somebody (unclear) put it down there, 'cause if there ever is a lawsuit filed in federal court or (unclear), will tell me (unclear) immediately to dismiss the lawsuit, opposed to Toquop by saying, (unclear), could be granted and otherwise (unclear) from there, free.

I'd even pay to represent anybody who tries to stop the production of Toquop from Mesquite.

I, I have a personal problem with this city, because I'm the best federal lawyer here. And I refuse to tell the people here how great a lawyer I am, 'cause I sued the Eureka Casino in federal court and destroyed 'em. They don't want anybody to know.

True, yeah, they didn't want to know about a secret, a lawyer like me who can help people for free. All these people in here that can do nothing. Like the girl who (unclear) 5,000 signatures, what she gonna do? Nothing. You know why? She's not a lawyer. (unclear) Can she afford a lawyer? No, no one, I'm free. Yeah free. And they laugh, these people. Listen to 'em. They're laughing at me.

None of them can do what I can do; sue. I can sue Toquop and stop it myself, free. No complaints, summons, temporary petition, petition for temporary injunction of relief, with permanent injunction at the end. If I, if I really looked deep into the case... But I say Toquop will succeed because the people of Mesquite are a failure 'cause their education comes from Bob (unclear), who ain't a lawyer. So what's he going to do for all these people? Nothing. That's their education. Jim Spence, from Jackson, Wyoming, was my lawyer. Who's your lawyer? Thank you.

Dante Pistone: Thank you for your comments.

Vickie Gattrell: Robert Shively, next speaker.

Dante Pistone: So that's a public hearing.

Bob Shively: Resident of Mesquite. Until just a few minutes ago, I was beginning to feel like Elizabeth Taylor's 7th husband. I knew what to do, but I wasn't sure I could make it interesting. But now, the rules of the game have changed.

My points are just to kind of bring focus to a few key issues; one is a PR opportunity for your group. Because as I was sitting here, studying a lot of this information, I was really curious as to why the down winders in Utah and Saint George had not been given a hearing by the bureau of air pollution on this Toquop project. They certainly have some experiences about being down winders. The airborne waste from nuclear and atomic

experiments in the past certainly left some damage. And hopefully we can learn from that. So I think as a PR opportunity, I would hope that you would find it in your time, or another agency's time that correlates with you, to go to Saint George and give them an opportunity. They spent a little time tonight, but I think they have every right being downwinders to participate in this to the full extent of their enthusiasm for the project.

It would seem that our Mayor Holecheck, commissioners, and other elected officials, plus the impassioned pleas, contributions, enthusiasm, frustration that's been presented to you tonight, certainly would hopefully make it clear that what we want to keep, is the air quality that we have now in Nevada and Utah. And that anything that starts diminishing our air quality is not in the best interest of our communities. And we hope that point rang true to you tonight.

Also, the profit and loss that sometimes gets referred to here, in looking at the Blackstone Group. When you go to their financial report it says, whole, hot diggity dog. We are about to get a windfall of profits because we own the coal and we've got some coal plants coming on board, and man, things are lookin good. Well financially, it may look good for Blackstone. It's a huge company, sort of almost running parallel to our own government. But, is it really the right thing to do from your standpoint, being one of us?

Being one of us, is sort of like, well, I kind of been moseying through this life of mine, thought we had government by the people, for the people. And so, there were other comments made tonight that kind of makes you people, me people, these folks people, okay. And maybe it's time that the people get together and make some decisions that have an influence on the outcome of this race. And along that point, just one last mention, I agree with the physician that said that the standards that you've put up on the board tonight are 18 years old. When I go out and shop for a car, I'm not gonna buy a 1990 whatever. I'm gonna buy a 2008 whatever. And I don't know how many decades it takes to change the standards, but I strongly suggest we look at Europe, and the other countries as well, to make sure that our standards are the best in the world for the health and welfare of all of the citizens of this fine country. Thank you very much.

Dante Pistone: Thank you.

Vickie Gatrell: The next speaker's Larry Mullen, followed by Jim Owens. Is Larry here? Is Jim here?

Jim Owens: My name is Jim Owens. I own the Owens Surveying outfit. Been here since 1988, and I've had the opportunity to walk all that area, survey most of the area, and there's probably not a road or trail in Lincoln county and Clark county that I haven't been on. Surveying for the mining industry and for the power companies, for right of ways, and I've had the opportunity to meet a lot of people in all the different areas and their concern is, like in Mesquite here, for clean air. Clean quality wherever you are. No matter, Yerington also.

And I've surveyed a lot around Yerington. I'm a U.S. mineral surveyor also. And I've had a lot of opportunity to talk to the people that live in and around the Reid Gardner power plant. And I asked the people there, well, 'why do you divide your land, and moreover, why do people build there?

And every one of them says they like it there. I'm astounded. They're living right at the base of it, like the Paiute Indians are, and the worst thing people say is the smell is horrible.

Well, I agree. Because I did an as-built on that power plant, and all the power lines that went out from there, and all the way to Caliente, and all the way over to Panaca and Pioche and Castleton. And I can truthfully say, my armpit smells better many times. That's a pretty stinky place. And I, and I asked the people that have lived there all their lives how can you stand it? They say they love it. I said, you wouldn't move away? They said no.

And so I asked, I asked a few people that are prominent there, I asked the lady today that happens to be the chairman of the town board, Moapa town board. Her name is Erin Shrivner. And she commented she worked at the plant for over 25 years, as security, and she doesn't know anybody from that plant that has had any ill effects, that worked for the plant or that lives around the plant.

There's an elementary school that's within a mile of the plant. There's a lot of businesses that are within a mile of the plant, well, Glendale itself, kinda surrounds it really.

And my only question to you is, did you ever take the opportunity to, to monitor that dern plant, from it went online in 1962 updated in '67 and '75 and '82? So, as they have updated, certainly you had the opportunity to monitor the emissions from that plant. And you can drive by today, and again, all you can do is smell it, you can't really see the emissions because there hardly, are any, except on cold days.

And this town is precious to me. However, there's a lot of people that are uninformed about this community. Because this is not just a resort community, this is a blue collar community. This is established by hard working people of middle class, and they built this community for themselves and also for the enjoyment that these elderly people have come into call their own. And we've always opened our arms to everybody that's come in here. And I would mention to say, that almost everybody on that city council are not from here. And that's good. Because it's good to have new input.

But, I'm asking you, is there another coal plant that's been built like this in the United States, and if there is, have you monitored it? The permittees say they have plants like this in Germany, where they have towns that they built around them, and that they're the cleanest coal plants in the world. Have you had an opportunity to study the results from those? How come they're being found guilty before they built the plant?

You know, I mean, where's all the (unclear)? I operate on scientific fact all the time when I survey, and I always have a comparison by those that have gone before me so I can kind of compare it, and I would hope that your analysis would be on a comparison also.

Because you deal on a scientific nature that is mumbo jumbo to me. I know the direction of your maps. I know all the draws of, I've been up all the draws. I've sampled all the draws for gypsum. There's a by product out of this fly ash that can be made into gypsum. And there's also the by product from the Reid Gardner plant that could have been made out of gypsum, but instead, they choose not too and created a real mess there.

But as far as your permit is concerned, and just sticking to the idea of your permit, why can't you give us some information from these other plants, so we can have a real knowledgeable comparison? And it's not all emotional and other facts from unknown sources are whatever, one source quotes versus another. Why can't we just have the true facts and let us, and let us either support it or deny it by the true facts and not a bunch of mumble jumble that, I'm a layman, I don't understand? And it's just like if you ask me how do I survey with GPS? You'd be a layman, and you wouldn't understand. That's what I'd tell you.

And so, I'm asking you as a citizen of this community, and I love it dearly, to do the best for the community and monitor. Give us some information that's from existing plants, and if there's one that's so built somewhere in the United States, use the data. Let us know what happened there. Let us know what happened in Germany. You already mentioned foreign countries. Bring forth the data so we can do this. We'd really appreciate it, I know I would. And I know a lot of the families would that are bringing up their kids here. And third and forth generation people that settled here, their children still are here. And thank you for the opportunity to speak.

Vickie Gatrell: The next speaker's Nancy Royals.

Nancy Royals: My names Nancy Royals. I just had three points, and they all have to do with, scientifically, what I understand your job to be.

It says Nevada Environmental Protection. And scientifically, asthmatics will be harmed by your permitting this coal plant. That's a scientific fact. Scientifically, you have come up with a bunch of data given to you by these people, and we can't refute it because it's not our data, and we're not scientists. But, we do know that our economy would be harmed. Our health would be harmed, And you're here to protect us, not to put as much pollution as the law will allow, but to put as little pollution as is necessary for us to have power, and there's a lot of clean power sources.

Dante Pistone: Thank you

Vickie Gatrell: Dr Wells?

Dr. Wells: And I appreciate this opportunity. I was actually one of the individuals, I was one of the scientists that was selected to be on the advisory capacity for the EPA, and one of the things was on air quality and coal. And I was, I'm retired now but I know a lot about it, and what I'd like to share with you is, yes it is a health hazard.

One of the challenges has been about measuring body burden. We had developed some very specialized blood panels so that we could confirm the body burden. And that as the chemical revolution that began about 1949, began to escalate and we saw the, the advancement of autoimmune diseases that we couldn't understand, this is how it all came about. And so then the EPA contacted me.

And there was a specialized group of us, that our purpose was to do these investigations about air quality. Now, what I'm hearing right now, is that there is a body burden here, and it is a scientific fact that it escalates autoimmune disease, and I could go through a whole list of what those autoimmune diseases are. And what I'm also understanding is that there is a necessity for, for energy. But, I'm also hearing that there are also alternatives.

And that with those alternatives, you know I really admire your listening skills. I understand again, when they were setting the standards on air quality, because I was one of those participating in that, and they didn't know what to do about body burden.

I would recommend you go for the alternative instead. Listen to what the gentleman has to say. I have every, every intention of helping the communities, to know how to put together some very specialized health questionnaires, so that they can document, in the event they have to, because the cost factors to their health, especially to children.

You know, we even know that autism, we know the cause of that, and we know when they have, when the EPA asked me to investigate the communities that are exposed to the offsets of the coal plants, that we were finding a definite correlation of autism with the sulfur. And those are scientific facts. And so I will be glad to help any community to perform any health questionnaires, prior. I will be glad to help answer any of the questions that you've got, because I understand, I understand what's going on. And I'm definitely going to urge you go for the alternative, okay?

Dante Pistone: May I ask; what did EPA do with your advice that you provided?

Dr. Wells: What had occurred again with that advice. There was a committee, and so they had to set standards because they didn't have the alternatives at that time. And so, the finals of the 1990 standards, and even those are way too high, 'cause it's called body burden. And so, we did the best we could, I hope you can understand what I'm saying.

Dante Pistone: And we are too

Dr. Wells: And that I understand, and again, you've got the alternatives, because I know what's going to happen to the communities as environmental immunologists. I know what happens.

Dante Pistone: We support alternative energy

Dr. Wells: And thank you so much for you listening and to all those who have been involved.

Dante Pistone: Thank you.

Vickie Gatrell: Next speaker's Ed Hohman.

Ed Hohman: Hello, my name's Ed Hohman. I live the other side of Saint George, kinda down wind from the proposed plant. And I'd like to say there's no such thing as clean coal. There's no such thing as a clean coal burning power plant. There's only such thing as, some coals are dirtier than other coal, and some coal fired power plants kill more people than others.

But, they're all dangerous. And those figures, thousands of tons of pollutants that are dug out of the ground in Wyoming and thrown up in the air over here, that, that spread to where people are exposed to. That, and the regulations that set more stringent standards for uninhabited wilderness areas than for populated areas where the people live. In other words, it's okay for people to be subjected to more pollution than animals and plants. And now, animals and plants, that is important.

But, I think people are also at least equally important, and even more important, so those standards they're not scientific, their political.

And, you know, you've mentioned a number of times that we should try to get the law changed, about the, the pollution standards. So, my question is, okay, I know your enforcing EPA's standards, but apparently Nevada has other standards, like mercury is more stringently regulated here. So, who is it that sets those standards here in Nevada? I'm a former resident of Nevada myself. I live in Utah now, but who, who do we talk to? Who actually sets those standards here?

Greg Remer: That's a very good question. The standards that we're talking about, there's, there's, there's two types of standards; there's an emission standard, and an air quality standard. The air quality standards are exclusively set by the federal government. There are a couple states, California's one of them, that have the wherewithal to be able to research to the extent that the federal government can, Nevada's not, not one of those, so we rely on the federal government, as do the forty eight or forty nine of the other states.

The emission standard for mercury is just that, it's an emission standard. We were in the development of the federal mercury control program, which was a cap and trade program. Nevada had an opportunity to go beyond what the federal program did and set lower emission standards and encourage low emissions from power plants for mercury, which we did. And that's where this plant is, is, is permitted at, is the lowest limit that we have on our books for mercury emissions.

Dante Pistone: In the case of mercury, in the case of mercury, the EPA allowed the states to develop more stringent standards if they chose to, and many didn't choose to, we did.

Ed Hohman: Okay, and who in the state does this?

Greg Remer: We as an agency did, and it went before our, our regulatory body. We did it in conjunction with, with not only the power plant companies, but we also did it in conjunction with, with other, other representatives, environmental groups and such; a combined, coordinated effort.

Ed Hohman: Okay, so, so you're the guys then, that we have to talk to about getting more stringent standards, whether it's mercury or, or even perhaps other pollutants regulated, you're the guys? Not, not necessarily you three men, but the agency that you represent here today?

Greg Remer: The, the State Environmental Commission is the body that adopts our regulations. Any person can approach the State Environmental Commission to propose regulations or standards.

Ed Homan: And what (unclear)

Greg Remer: (unclear) your proposal of course, and bring forth whatever evidence or, or weighted body of a, of, of studies to support what your asking for. But, anybody, any citizen of the state of Nevada has the ability to do that.

Ed Homan: Okay, and what is the relationship of that Commission with, with your agency?

Greg Remer: The, the state statues, the state law, provide that the State Environmental Commission is the body, is the body that adopts standards for the state of Nevada. The Department of which we're, we're a member of, is the, is the enforcing arm of those standards that are adopted at the Commission.

Dante Pistone: The, as I mentioned at the outset, EPA sets the standards for all the criteria pollutants. Congress and EPA would be the ones you'd have to talk to about changing those standards.

Ed Hohman: Oh yeah, at the national level, but states like California apparently, from what I understand, banned coal fired power plants from being built. So, if California can do it, that's what I'm asking, is who here in Nevada do we talk to see that gets done here?

(unclear) department of environmental protection (unclear). One thing, just most of the people are gone already, but what you've heard here tonight is not people that are upset, because you know something's being built and they don't want to look at a giant smoke stack or something, it's people that are concerned about their health.

Now, the thing is, what most people don't understand is, that the main way that the body detoxifies itself of pollutions and pollutants; the chemicals we inhale and eat and drink and absorb through our skin, the main way that the body detoxifies itself is the immune system. The immune system continues to produce antibodies that attach themselves to the chemicals that were exposed to. Now, when the immune system is busy working to get the chemicals out of our body that are everywhere today, then it's not (unclear) in a fit state to defend itself from disease. That's why there's a lot of disease. And sometimes, the antibodies that are produced to fight the pollutants, they can also, because of the way some of the pollutants combine with the body's own tissues and proteins, those antibodies can attack the body's own system.

That's why, as you've heard, pollution is a key component in the cause of all the autoimmune diseases. So you know any, any pollution, that's anything that's emitted into the air that doesn't belong there, is dangerous, and some of those pollutants you've have up there, there is no known safe, scientifically safe level. There are only politically safe levels.

And so, when you have something like that, a plant that emits all those poisons into the air, and the same people could build a plant that doesn't emit anything into the air, zero emissions then, and you, the people that, that determine what the safe levels are, at least you have the ability, I mean you're part of the agency, you're the scientists. You know if, if (unclear) concern, valid concerns about their health, about a poisonous plant being built not far away, it's gonna affect their lives. It's going to kill people. That's, that's, that's not a theory, that's fact. It's gonna kill people.

So, if you have the choice between allowing that thing because, well our models show that it's within the politically acceptable levels, that the politically acceptable number of people here have died from it, you know, are you gonna allow that? Or are you gonna say well look, let's, let's go the extra mile here, because it's unnecessary. It is absolutely unnecessary to build something that puts poison in the air when you can just as easily, and even more cheaply and economically, build energy producing plant that puts nothing into the air, and thank you.

Dante Pistone: We understand, thank you.

Vickie Gatrell: Dr. Lee Hickson, is he here? Is Amanda Hickson here? How about Leland Sheets?

Leland Sheets: My name is Leland Sheets and I live in Saint George, Utah, and some of the questions I had have been answered, but I have a couple that I would like to have clarified.

It appears that Saint George, as a down wind victim, is about to suffer another governmental insult. Probably, equivalent to the radiation that we received from the stuff that went on in Mercury, in Nevada, awhile back. You know, one thing I haven't heard answered this evening is, what is the time line on your acceptance of this study you've done? When do you have to present this as final?

Greg Remer: That's a very good question. We have to take all of the comments we hear today, we'll compile them, we'll put with them any other written comments that we receive by the close of the comment period. And then we have to assemble them and respond to them. And when that process is done it may or may not result in changes to the, to the permit, and when, when that process is done, that we will either issue or deny the application.

Leland Sheets: And what is that date approximately?

Greg Remer: That's difficult to assess at this point in time because we're just taking comments now, but it could take anywhere from a month to six months.

Leland Sheets: Is that a speedy return or can you drag it out longer?

Greg Remer: We have twelve months to process the application for a permit once it's, once we receive a completed application. We have twelve months to issue or deny an application. The first six months of that has, has took us to the point where we are now. So, we have roughly another six months left to make our final decision.

Leland Sheets: Thank you.

Greg Remer: Considering all of those comments that we have received.

Leland Sheets: Well, you know it seems like the EPA has a one size fits all mentality. I shudder a little bit, to think that some of these standards, that if you were talking about a heavily forested area, if the pollutants would not move as far as they would in our basically barren desert terrains. And I noticed that fence you have around your pollutants there, is a three mile fence. How high is that fence?

Greg Remer: That's not, I assume your talking about the green area.

Leland Sheets: Yeah, its three mile limit around this plant. Does the wind never blow in that area?

Greg Remer: No, what, the fence line is actually the blue area on that map. That's the area where the, where the plant is. Everything outside of that is, is part of our study area,

where we actually evaluated what the impact would be to the, to the ambient air quality. So everything you see outside of that is, is part of what we evaluated.

Leland Sheets: Okay, that was took into account, the barrenness of the area. That it took into account wind forces

Greg Remer: It took into account the flat terrain. It took into account, you can see to the west the topographic terrain to the west and to the north, it takes into account all of that including the met conditions that, that influence that.

Leland Sheets: Okay, there was another display you had there, that showed, in fact the doctor questioned the westward. And the westward limit is 17 and a half miles or whatever. Those were radii, were they not?

Greg Remer: That's correct, they are radii.

Leland Sheets: And I don't see any of 'em extending over the border. Do they stop at the border?

Greg Remer: What you're, what I'm telling you is the, the furthest extent of the range of the impact to, the, of this plant was 17 and a half miles away.

Leland Sheets: Could you put that display up there?

Greg Remer: Sure, that one.

Leland Sheets: Those are radii, right? So if you

Greg Remer: Those are radii

Leland Sheets: Around the area,

Greg Remer: Yep

Leland Sheets: It doesn't stop at the Utah /Arizona border there, that you have on your graphs, right?

Greg Remer: Right, what we are trying to indicate with this was to, to show you the distance. The 17 and a half miles is really the important one. That's the most distant significant impact. Everything else is much closer to the plant. And the idea here, is that we're showing you the distances to the, to the most influential areas; which would be the border to Utah, the border to Arizona, and the nearest non attainment area which would be to the south.

Leland Sheets: Okay, but there is the almost metropolitan area now. Right in the corner of Utah at this point, that takes in well over a 120,000 people.

Greg Remer: Okay

Leland Sheets: It seems to me that as you look at these, and I understand you feel you're totally bound down by the rules and regulations, but if you're dealing with incorrect science, you're still going to use incorrect science, even though it's really not tailored to our area. That your using a national standard. You're, putting a size fourteen shoe on everybody in the United States, and saying that these standards, no matter where you are, are applicable. It seems to me, like you really need to customize your studies to the area where we live. No matter what the national standard is, you can't use false science to come up with true answers. Well, I do appreciate the bind you're in. It looks to me like all of the comments and everything that's been said tonight are superfluous. It sounds to me like this whole thing is cut and dried. You're going through the motions of having a hearing, and I feel for you and I feel for us, thank you.

Vickie Gatrell: The next speakers Keith House, is Keith here? How about Jordan Hibner? Don Clay?

Don Clay: Hi, I'm Don Clay and I live here in Mesquite, been here about 3½ years. And I have some questions about your computer models and I wasn't here the whole time so if somebody asked these please bear with me.

Are these similar to the computer weather models, you know like, that are so accurate all the time?

Greg Remer: Well if your asking do, does, does the computer attempt to simulate what happens? I guess the answer would be yes. They're similar to a weather model. But they're different from a weather model, in that they're using the monitored weather - not the predicted weather to determine what the impact would be if the plant were built.

Don Clay: Right, and is there any study on how accurate these things really are?

Greg Remer: There are many studies on, on the accuracy of these models, and generally they, they over-predict. So our, our impacts that we're, that we're presenting, we expect to be the worst impacts, as what was said earlier what would be the worst impacts, these are the worst impacts. We expect that the plant will operate well within it's limits, which would then reduce the impacts that we've presented here today.

Don Clay: Well, that brings up a question like, let's say the scrubbers and all these filters and things don't work up to standard or for one reason or another they're gonna let out more pollution than they should. What's the, I mean, what can we do about that? You know, can we shut the plant down? I mean, are they fined or they take some credits from some other plant or whatever, I mean what can we do about that?

Greg Remer: We have many different means at our disposal to compel the plant to comply. Fines are one, one element. They have the threat of the federal EPA also filing

judgment against them in seeking fines, and we can, we have the authority to shut the plant down.

Don Clay: And what would it take to do that?

Greg Remer: What would it? All it would take is an order from us, and that would, that would detail the findings that we've, that we've uncovered, that they have failed to comply with their permit.

Don Clay: Right, yeah, but, good question, yeah. But fines really don't do anything. It's like a professional athlete that's making a million dollars a year and they do something and they get fined a thousand dollars. It's like big deal, right? I mean these companies are gonna be making so much money, it's like they don't really care that they get fined. You know they just want to continue producing and making money for their shareholders. And I've never heard of a plant being shut down,

Greg Remer: You've never heard of a plant being shut down?

Don Clay: No

Audience: What about Reid Gardner, (unclear)

Greg Remer: I'm sorry,

Audience: The one at Glendale, has that plant ever been shut down? (unclear)

Greg Remer: They have been shut down, yes. They've been shut down several times over the course of their, of their operating history. They then commence operation when they've corrected the problem.

Don Clay: Right, but they're still, like, the second worst polluting plant in the United States,

Greg Remer: No they're not.

Don Clay: Well, there's one down the road that's not very good, I mean that's my understanding.

Greg Remer: Which one, which one down the road that's not very good?

Don Clay: Reid Gardner, right?

Greg Remer: I, I would have to see your facts, but I would at this point in time, if I were going to speak against, that I would have to say that they are not the worst polluting plant in, or one of the worst polluting plants in the country. They are actually very well

controlled, for the type of plant that they are, and the age that they were built. In fact, they've historically over-scrubbed their, their pollutants.

Don Clay: Okay I have information that I don't have with me right now, but okay

Greg Remer: You're welcome to, to put that into the record when you submit your comments,

Don Clay: Okay, and so I've been listening to all these doctors speak, and the one that was talking about how much, well I don't know the exact terms, but there's a lot of pressure put on the body from all the different chemicals and pollutants and drugs and things in the society. And it's cumulative. It just adds up, adds up, adds up and are these standards taken into consideration all the different things that our body is going through right now? You know, I mean, to me it's just, it's crazy. Every other commercial on TV's about drugs, right. It's just horrible you know.

You look at the soap that we use on our clothes and our bodies; it's all chemicals, and it just adds up, adds up and... These standards I've been hearing, are 18 years old. Yes, it should be taken a look at, you know, and that's just a comment you don't have to respond to that. And I have a question; you mentioned a couple people ago about significant impact. Okay, what does that mean?

Greg Remer: There's a very specific definition of, of what that means. What, what it means when I mentioned it there, is that's the point in the impact range where the concentration drops below one microgram, which is a very small concentration.

Don Clay: Alright, okay, but there's people who are more susceptible to damage than others, right? You know, we have lots of senior citizens here and they are much more susceptible to younger people, probably, you know, and is that ever taken into consideration?

Greg Remer: Well, it's taken into consideration by the fact that the standards in which we have to gage compliance are much higher than that one microgram level.

Don Clay: Right, but it's a standard set by people who really probably aren't doctors,

Greg Remer: Well again, the federal government does much of that work and (unclear) and doctors, appropriate officials as the, as the lady mentioned, are a part of that body of work, and standards are revised from time to time. In fact, there has been revisions to the standards since 1990.

Don Clay: Okay, I've got a question here, you know you're saying this pollution only goes so far, and I have an article here written on July 11th, I mean June 11th 2006, and it's about global pollution. It's talking about China, okay, and it says in early April, a dense cloud of pollutants over northern China sailed to a nearby (unclear), sweeping along dust and desert sand before wafting across the pacific. An American satellite spotted the cloud

as it crossed the west coast; okay, this is from China, okay. Researchers in California, Oregon and Washington noticed specs of sulfur compounds, carbon and other by-products of coal combustion coating the silvery surfaces of their mountain top detectors. These microscopic particles can work their way deep in the lungs contributing to respiratory damage, heart disease and cancer. Okay, this is from the China coal plants, and yes they're much more dirty. I, I mean I admit that, but they're going, I don't know, how many thousands of miles? And are you saying that this is only gonna be going 17 miles? I mean I have a hard time with that.

Greg Remer: Actually what I think your referring to is a, is an event that started in the Gobi Desert and it was from dust that was blown into the air from...

Don Clay: No, no, no, no,

Greg Remer: That area.

Don Clay: I have an article. They're talking about the coal plants.

Greg Remer: Okay well, please submit that into the record.

Don Clay: Okay, I will, and then you mentioned about not talking about certain things here, today, about carbon dioxide emissions, green house gas emissions and climate change, okay. I have a report here from the United States EPA, okay.

It was written on 14 December 2007, and it says here, 'based on our review of the document, we have rated this DEIS, which is Draft Environmental Impact Statement, for the Toquop Energy project in Lincoln County, Nevada, and it says as insufficient information', see attached summary, EPA rating system.

EPA believes the DEIS should address the following topics in greater detail: the scope of the alternative analysis, the potential adverse impact to approximately 16 acres of aquatic resources, the uncertainty of ground water availability and carbon dioxide emissions. And as part of this cumulative impact analysis, EPA recommends the DEIS present a general quantity, quantitative discussion of the anticipated affects of climate change, including potential affects at a regional level, or scale. And it goes on and on about, you know, talking about these greater things, you know, that we're not even allowed to talk about here, okay. And I was wondering why we were limited to not talking about these?. When the EPA, which is above you guys, this is, U.S. EPA says they want to know more about it, about this coal plant that's being proposed here.

Dante Pistone: Well, a lot of people have talked about global warming tonight. We didn't prevent you from talking about it. They...All I said was that the state and federal governments don't have regulations of green house gasses yet. We don't have a, we don't have a hammer to put down in terms of enforcing green house gas emission regulations. There aren't any. They, they can ask for additional information. I'd be curious to see

what that EIS looks like and what the response was, but the reality is, there are no existing regulations, either at the state or federal level that govern green house gasses.

Don Clay: Okay, well these guys are asking for it, and

Dante Pistone: Good

Don Clay: You know, I do want to say...I see the situation that you guys appear to be in. You have standards that you need to follow, and I almost wonder why you're even hired. I mean they can use a computer to do your job it sounds like. You know, 'cause it's like, let's put in certain standards and if they meet it well, then it's okay, you know, and it sounds like we're being too robotic here. You know, it's like, well, they meet the standards, accepted by people who don't really care, and their political issues and things like that, and it just drives me crazy. It really does. And I feel, and I feel sorry for you people that have to live by those standards, and I hope you guys don't have too bad of an effect, of the effect you're creating on others, thank you.

Dante Pistone: Thank you.

Vickie Gattrell: The last speaker we have is Bob Boggiano. I hope I said that right.

Bob Boggiano: You said it correctly. I lived in Mesquite for 11 years. Two of my questions were presented up here the by the doctor. I feel pretty good, I'm in the doctor's deal. The question is: how many people vote yes or no when it's all said and done? Do you understand my question? Okay, you people right here, six of ya. Do you six do it yourselves? Or, do you have more people come in and vote on this power plant, yes or no on the power plant?

Greg Remer: Well, I guess the proper answer to that would be, the state of Nevada has set up an agency, the air quality agency, my Bureau, to evaluate these, these projects. These people report, well except Dante, these people report to me. I'm the final arbiter of whether or not they've done an adequate job in evaluating the application that is presented before us.

Bob Boggiano: How many people are there?

Greg Remer: How many people?

Bob Boggiano: Yeah that

Greg Remer: In our agency?

Bob Boggiano: No, how many are there that vote on yes or no for the power, the coal plant? Isn't there a deal, like they all sit down, and okay, we got to talk about this power plant, this coal plant. Today's the day. We gotta come up with a yes or no answer. How many people are involved, that vote on it, that sit down and really vote on it, yes or no?

Greg Remer: Well, it's not a vote. It's a, it's a scientific evaluation that I am ultimately responsible to, to process. They report to me. They make recommendations to me and that recommendation is, is accepted or not, and it moves forward, or doesn't. So I guess I mean, much like Truman I guess the buck would stop with me.

Bob Boggiano: So you're in charge of the group then?

Greg Remer: And I comply with, with the, with the standards to which I'm charged to, to implement and maintain.

Bob Boggiano: Okay, the other question is you have to go by the law, what they, what the environmental deal is. Is mercury gonna be on that subject also, or is mercury not going to be brought up?

Greg Remer: Mercury is in our permit. There are...

Bob Boggiano: I'm sorry I can't hear.

Greg Remer: There are standards contained in our permit for mercury. It has been addressed.

Bob Boggiano: Okay. I think you people did a good job. Thanks for putting up with us, and I hope when it comes right down to it...you've seen a lot a compassionate people. You know, it's true. I'm glad you're gonna be on the board or you're the one to decide, because you've seen these people. These other, if there's other people that's gonna talk to you about it, because they look in a book or look at the plans, they didn't see the emotions here, thank you.

Greg Remer: You're welcome.

Dante Pistone: Thank you.

Janice Crouch: Can I ask a quick question?

Dante Pistone: Sure

Janice Crouch: My name is Janice Crouch. My husband and I moved here ten months ago. We're full time residents. I was outraged in reading in the Las Vegas Review Journal, whereby you people are withheld, or are with, excuse me, withholding an air quality permit for the White Pine coal plant up by Ely, because of the down wind effects on the coral in the Gulf of Mexico. My question to you is, help me understand why we humans have become expendable? And, we are only twelve miles away, in fact our house is about eight miles.

Greg Remer: First of all, we haven't withheld the permit for the White Pine Energy Project, which is proposed by the LS Power Company. That project was actually one of the first ones that went through our process. It's basically to the point where this one is right now, except it's gone past the public comment period. That was an unfortunate misquote in the, in the paper. The, the, the actual quotation should have been that the federal EPA has not made a decision. There, there, there is a part of our decision, our process that we have no control over, and that is the Endangered Species Act standards.

EPA is the, is the authority over the Endangered Species Act. Everything that we do gets to a certain point, and we have to stop if the federal EPA has not made a decision as to whether or not a project will or will not harm or impact a threatened or endangered species under the endangered species act. And that's what that quote was supposed to say; was that we're waiting for EPA to make a decision on that project. Our decision making is pretty much final. Ours is, ours is done. We're basically waiting for that process to occur at the EPA level.

Dante Pistone: And on this project as well, EPA would make that determination. So they're, the plants are treated the same.

Janice Crouch: Okay, I am a former BLM employee. I was a land law examiner so I know, I issued patents, nobody here has probably seen a patent. (unclear) So I knew that the federal laws, issue to every state, certain rules and you need to follow these. If you don't, we're gonna come in and fix it. It is incumbent upon each state to make those federal laws equal to or better and it is incumbent upon you to make the air quality better.

I know that in 1990, the mercury, for some reason, came out of the clean air act, why was that? It's just, you know, you can, it's up to you people to make this state better, and you don't have to be in lock step with the federal government. I know that. And I unfortunately, I also know because as a land law examiner, how I made decisions based on what came to me, so I feel for you. However, we're human here, and we need to have a whole lot more consideration when it comes to air emissions than coral over a thousand miles away.

Dante Pistone: Agreed

Bob Boggiano: This is something I forgot a moment ago,

Greg Remer: Please restate your name so we...

Bob Boggiano: Bob Boggiano. Does the Grand (unclear) National Monument, which is about 4 miles to the east of Mesquite, is that considered a Class 1 or Class 2?

Greg Remer: Can you restate what the monument is?

Bob Boggiano: Well, you were talking before about the standards for the national parks and so forth, and I'm asking you, if the Grand (unclear) National Monument, which

borders the Nevada-Arizona line, which is directly, that green part to directly to the east is Grand (unclear) National Monument, and I'm asking if that is considered Class 1 protection or Class 2 protection? So it's well within your 30 mile radius.

Greg Remer: The simple answer would be it's Class 2.

Bob Boggiano: It would be what?

Greg Remer: Class 2, its Class 2, it's not Class 1, the...

Bob Boggiano: Okay; it's a National Monument but its Class 2.

Greg Remer: It's Class 2.

Bob Boggiano: Okay, then. I do have one statement that I would like to actually go on the record and that is, are you certain that the air quality standards, which you have documented here, are not going to harm the desert tortoise and endangered species?

Greg Remer: Based upon the, the evaluation that we've conducted, the plant complies with all of the applicable standards to which it's subject, which would include all the ambient air quality standards, which are designed to protect both human health and welfare and plant and animal life.

Dr. Wells : But EPA deals with endangered species

Greg Remer: Please restate your name

Dr. Wells: And the one thing, being an advisor with the EPA, there's a lot of confidential conversations that had gone on. And I think we all understand what I'm saying, and the final thing is: as standards were being set, in those confidential meetings, there were no safe standards for coal plants. They're non-existent. And while I'm impressed to see how they're attempting to make them more efficient with less emissions, there are no safe standards. And we we're very; we were very cognizant of that, especially when we developed specialized blood panels to prove the damage to the immune system.

Okay, and another thing I find rather interesting, we knew that the by-product of those coal plants, and even though it's been significantly reduced, it had an affect of over a 100 mile radius. And we knew that, and that's why they'd have me go out to different areas where there were coal plants, we saw the results. I don't understand why that's changed. Now, I would speculate, you know, I go way back, there's a lot more that happened in 1970, and then four years and, so I go way back, and I speculate that you all don't go back as far as I go, okay.

So I'm just, I'm amazed by what I'm hearing. I don't understand some things, but I will reiterate one of the reasons, and your question was very good, what happened during that

time, what standards? There weren't alternatives at that time. People weren't gonna layer their apparel and things like that, they just weren't going to do it. And now, we do have those alternatives, okay, so God bless you, from my heart, God bless you.

Dante Pistone: If there are no other comments, thank you all for coming we know it's been a long evening, and we will take all of your comments back and make decisions based on them. The public comment ends on the 22nd.

End